

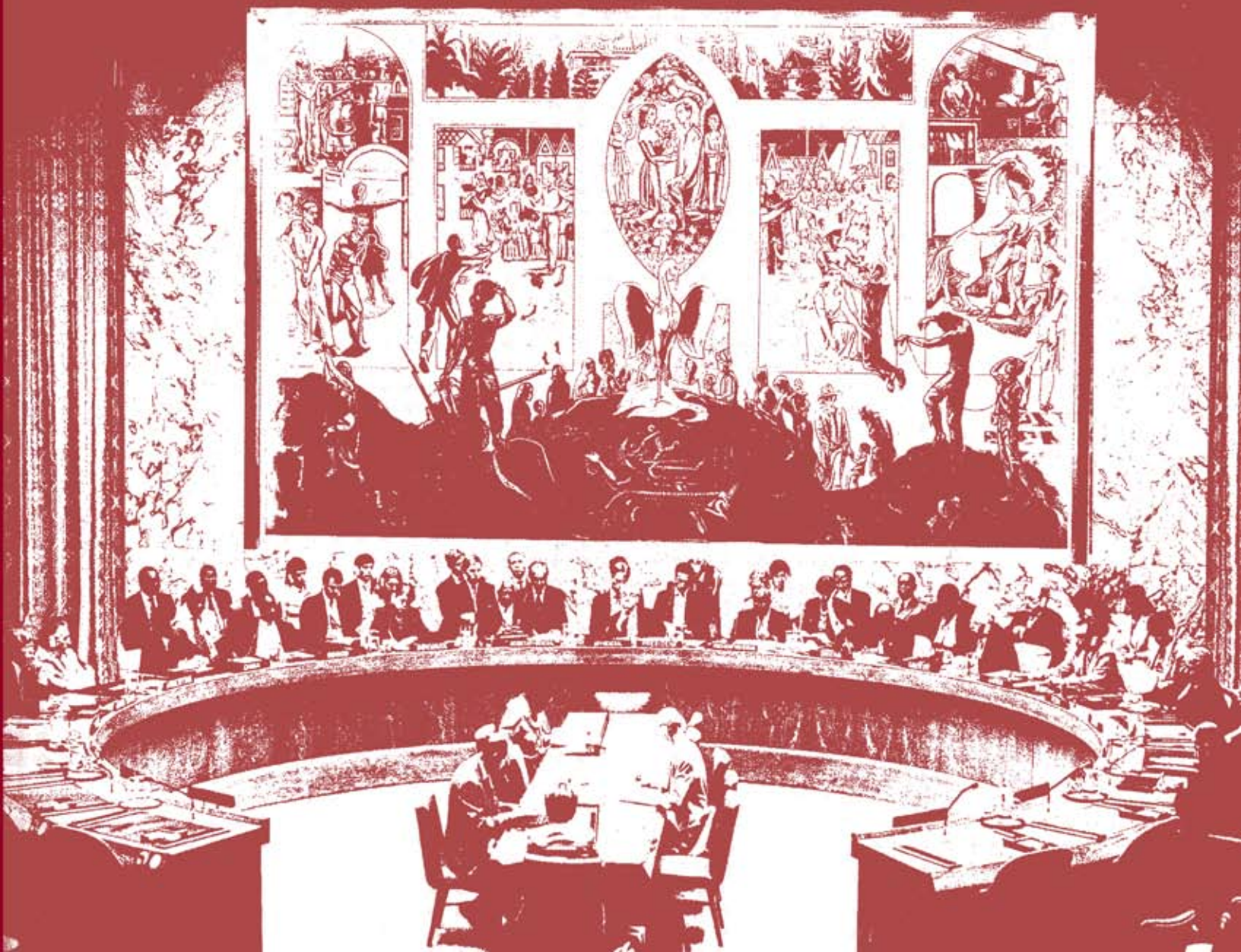
Repertoire *of the* Practice *of the* Security Council

SUPPLEMENT 2004-2007

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Department of Political Affairs

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

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Note

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Introduction

The present publication constitutes the fifteenth 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 4892nd meeting, held on 12 January 2004, to the 5816th meeting, on 27 December 2007.

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 issue. 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 2004-2007, and the meetings at which they were considered, are presented in a table hereunder according to region or thematic issue.

* * *

Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as S/2006/568. References to the verbatim records of meetings of the Council are given in the form S/PV.5710, 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 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 1650 (2005). Since 1994, statements by the President have been identified by the prefix S/PRST/- followed by

four digits representing the year in which the statement was released. A new numbering sequence is established at the beginning of each calendar year.

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/59, for 2003/04; S/INF/60, for 2004/05; S/INF/61, for 2005/06; S/INF/62 for 2006/07 and S/INF/63 for 2007/08). The original *Repertoire* and the other supplements may be consulted at www.un.org/en/sc/repertoire.

Members of the Security Council, 2004-2007

| <i>Member</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---------------------------|-------------|-------------|-------------|-------------|
| Algeria | • | • | | |
| Angola | • | | | |
| Argentina | | • | • | |
| Belgium | | | | • |
| Benin | • | • | | |
| Brazil | • | • | | |
| Chile | • | | | |
| China (permanent member) | • | • | • | • |
| Congo | | | • | • |
| Denmark | | • | • | |
| France (permanent member) | • | • | • | • |
| Germany | • | | | |
| Ghana | | | • | • |
| Greece | | • | • | |
| Indonesia | | | | • |
| Italy | | | | • |
| Japan | | • | • | |
| Pakistan | • | | | |
| Panama | | | | • |
| Peru | | | • | • |

| <i>Member</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---|-------------|-------------|-------------|-------------|
| Philippines | • | • | | |
| Qatar | | | • | • |
| Romania | • | • | | |
| Russian Federation (permanent member) | • | • | • | • |
| Slovakia | | | • | • |
| South Africa | | | | • |
| Spain | • | | | |
| United Kingdom of Great Britain and Northern Ireland (permanent member) | • | • | • | • |
| United Republic of Tanzania | | • | • | |
| United States of America (permanent member) | • | • | • | • |

Items considered by the Security Council at formal meetings, 2004-2007

Agenda item

Africa

The situation concerning Western Sahara

9 meetings (4905, 4957, 5068, 5170, 5295, 5431, 5560, 5669, 5773)

The situation in Liberia

21 meetings (4925, 4981, 4991, 5036, 5105, 5208, 5263, 5304, 5336, 5389, 5406, 5454, 5468, 5487, 5542, 5602, 5652, 5668, 5699, 5745, 5810)

The situation in Somalia

26 meetings (4915, 5003, 5022, 5064, 5083 [held in Nairobi], 5135, 5142, 5227, 5280, 5302, 5387, 5435, 5486, 5535, 5575, 5579, 5611, 5614, 5633, 5671, 5695, 5707, 5720, 5732, 5805, 5812)

The situation concerning Rwanda

1 meeting (5650)

The situation in Burundi

21 meetings (4975, 5021, 5042, 5093, 5141, 5184, 5193, 5203, 5207, 5252, 5268, 5311, 5341, 5394, 5479, 5554, 5678, 5686, 5786, 5793, 5809)

The situation in Sierra Leone

13 meetings (4938, 5037, 5185, 5186, 5219, 5254, 5334, 5467, 5608, 5690, 5708, 5804, 5813)

The situation in the Great Lakes region

7 meetings (5065, 5359, 5566, 5603, 5637, 5644, 5783)

The situation concerning the Democratic Republic of the Congo

42 meetings (4894, 4926, 4969, 4985, 4994, 5011, 5014, 5048, 5095, 5133, 5155, 5162, 5163, 5218, 5226, 5243, 5255, 5272, 5275, 5296, 5340, 5356, 5360, 5408, 5421, 5480, 5502, 5504, 5533, 5541, 5562, 5580, 5610, 5616, 5630, 5653, 5660, 5674, 5721, 5726, 5730, 5814)

The situation in the Central African Republic

4 meetings (5067, 5232, 5558, 5572)

Items relating to peace and security in Africa

The situation in Africa

5 meetings (5043, 5331, 5525, 5571, 5655)

Africa's food crisis as a threat to peace and security

1 meeting (5220)

Agenda item

Peace and security in Africa

1 meeting (5749)

The situation between Eritrea and Ethiopia

17 meetings (4924, 5032, 5139, 5259, 5276, 5308, 5317, 5326, 5380, 5384, 5410, 5437, 5450, 5540, 5626, 5725, 5778)

The situation in Guinea-Bissau

6 meetings (4992, 5069, 5107, 5157, 5248, 5762)

The situation in Côte d'Ivoire

53 meetings (4909, 4918, 4959, 4977, 5018, 5072, 5078, 5103, 5118, 5152, 5159, 5169, 5173, 5194, 5213, 5221, 5253, 5278, 5279, 5281, 5283, 5288, 5314, 5318, 5327, 5350, 5354, 5366, 5378, 5399, 5400, 5426, 5427, 5428, 5442, 5451, 5491, 5505, 5524, 5555, 5561, 5591, 5592, 5606, 5617, 5651, 5676, 5700, 5711, 5712, 5716, 5765, 5772)

Items relating to West Africa

Cross-border issues in West Africa

2 meetings (4933, 5131)

Peace consolidation in West Africa

1 meeting (5509)

Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes

1 meeting (4949)

Items relating to the Sudan

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1 meeting (4978)

Reports of the Secretary-General on the Sudan

68 meetings (4988, 5015, 5027, 5040, 5046, 5050, 5071, 5080-5082 [held in Nairobi], 5094, 5109, 5119, 5120, 5125, 5137, 5143, 5151, 5153, 5154, 5158, 5176, 5177, 5216, 5217, 5231, 5245, 5269, 5277, 5321, 5322, 5342, 5344, 5345, 5364, 5392, 5396, 5402, 5409, 5413, 5414, 5422, 5423, 5434, 5439, 5459, 5460, 5517, 5519, 5520, 5528, 5532, 5543, 5545, 5589, 5590, 5598, 5670, 5684, 5687, 5688, 5727, 5750, 5752, 5768, 5774, 5784, 5789)

Security Council meetings in Nairobi

1 meeting (5063)

Items relating to the African Union

Institutional relationship with the African Union

1 meeting (5084 [held in Nairobi])

Briefing by the Chairman of the African Union

2 meetings (5448, 5449)

Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda

2 meetings (5415, 5416)

The situation in Chad and the Sudan

4 meetings (5425, 5441, 5595, 5621)

The situation in Chad, the Central African Republic and the subregion

2 meetings (5734, 5748)

Americas

The question concerning Haiti

21 meetings (4917, 4919, 4961, 5030, 5090, 5110, 5164, 5192, 5196, 5210, 5284, 5285, 5343, 5368, 5372, 5377, 5397, 5438, 5513, 5631, 5758)

Asia

The situation in Timor-Leste

24 meetings (4913, 4965, 4968, 5024, 5076, 5079, 5132, 5171, 5180, 5251, 5351, 5432, 5436, 5445, 5457, 5469, 5512, 5514, 5516, 5628, 5634, 5682, 5739, 5740)

The situation in Afghanistan

35 meetings (4893, 4931, 4937, 4941, 4979, 5004, 5025, 5038, 5045, 5055, 5056, 5073, 5108, 5145, 5148, 5215, 5249, 5260, 5309, 5347, 5348, 5369, 5370, 5374, 5385, 5393, 5496, 5521, 5548, 5641, 5645, 5680, 5718, 5744, 5760)

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

3 meetings (4962, 5201, 5222)

The situation in Myanmar

5 meetings (5526, 5619, 5753, 5757, 5777)

Agenda item

Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

2 meetings (5490, 5546)

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council

2 meetings (5576, 5622)

Europe

The situation in Cyprus

13 meetings (4940, 4947, 4954, 4986, 4989, 5061, 5202, 5211, 5324, 5465, 5593, 5696, 5803)

Items relating to the situation in the former Yugoslavia

The situation in Bosnia and Herzegovina

15 meetings (4920, 4997, 5001, 5075, 5085, 5147, 5306, 5307, 5412, 5563, 5567, 5675, 5713, 5780, 5782)

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

20 meetings (4910, 4928, 4942, 4960, 4967, 5017, 5089, 5130, 5188, 5289, 5290, 5373, 5470, 5485, 5522, 5531, 5588, 5640, 5654, 5811)

The situation in Georgia

20 meetings (4904, 4906, 4916, 4958, 5013, 5116, 5144, 5174, 5238, 5242, 5358, 5363, 5405, 5483, 5549, 5623, 5658, 5661, 5724, 5759)

Briefings by the Chairman-in-Office of the Organization for Security and Cooperation in Europe

4 meetings (4964, 5134, 5346, 5751)

Middle East

The situation in the Middle East

United Nations Disengagement Observer Force

8 meetings (4998, 5101, 5205, 5339, 5456, 5596, 5698, 5802)

United Nations Interim Force in Lebanon and developments in the Israel-Lebanon sector

19 meetings (4907, 5012, 5117, 5241, 5362, 5489, 5492, 5497, 5498, 5499, 5501, 5503, 5508, 5511, 5586, 5664, 5704, 5728, 5733)

Agenda item

Security Council resolution 1559 (2004)

16 meetings (5028, 5058, 5122, 5160, 5172, 5175, 5197, 5212, 5320, 5352, 5417, 5418, 5440, 5559, 5691, 5799)

Security Council resolution 1595 (2005)

20 meetings (5122, 5292, 5297, 5323, 5329, 5388, 5401, 5458, 5461, 5539, 5569, 5597, 5642, 5648, 5685, 5694, 5719, 5747, 5790, 5800)

Report of the Secretary-General on the Middle East

1 meeting (5584)

The situation in the Middle East, including the Palestinian question

62 meetings (4895, 4912, 4927, 4929, 4934, 4945, 4951, 4972, 4974, 4995, 5002, 5019, 5039, 5049, 5051, 5060, 5077, 5102, 5111, 5126, 5128, 5136, 5149, 5166, 5181, 5206, 5230, 5250, 5270, 5287, 5312, 5313, 5337, 5361, 5365, 5381, 5404, 5411, 5419, 5443, 5472, 5481, 5488, 5493, 5515, 5530, 5552, 5564, 5565, 5568, 5624, 5629, 5638, 5667, 5683, 5701, 5723, 5736, 5746, 5767, 5788, 5815)

Items relating to Iraq

The situation between Iraq and Kuwait

19 meetings (4897, 4914, 4930, 4944, 4946, 4952, 4953, 4971, 4982, 4984, 4987, 5020, 5033, 5047, 5092, 5099, 5123, 5124, 5161)

The situation concerning Iraq

27 meetings (5189, 5190, 5204, 5214, 5247, 5256, 5266, 5267, 5300, 5301, 5325, 5371, 5386, 5444, 5463, 5464, 5510, 5523, 5574, 5583, 5639, 5681, 5693, 5710, 5729, 5763, 5808)

Thematic issues

Items relating to the International Criminal Tribunals

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 and 31 December 1994

10 meetings (4935, 4999, 5016, 5086, 5199, 5328, 5453, 5594, 5697, 5796)

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

11 meetings (5057, 5112, 5140, 5165, 5195, 5236, 5273, 5382, 5407, 5742, 5785)

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

4 meetings (5455, 5518, 5550, 5741)

Children and armed conflict

6 meetings (4898, 4948, 5129, 5235, 5494, 5573)

Threats to peace and security caused by international terrorist acts

41 meetings (4892, 4908, 4921, 4923, 4936, 4939, 4966, 4976, 5006, 5026, 5031, 5053, 5059, 5104, 5113, 5223, 5224, 5239, 5240, 5244, 5246, 5261, 5274, 5298, 5303, 5338, 5424, 5446, 5477, 5484, 5600, 5609, 5659, 5662, 5714, 5738, 5754, 5764, 5795, 5798, 5816)

Protection of civilians in armed conflict

10 meetings (4990, 5100, 5209, 5319, 5430, 5476, 5577, 5613, 5703, 5781)

Small arms

4 meetings (4896, 5127, 5390, 5709)

General issues relating to sanctions

3 meetings (5507, 5599, 5605)

Items relating to the maintenance of international peace and security

The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead

1 meeting (5225)

The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations

1 meeting (5228)

The maintenance of international peace and security: role of the Security Council in supporting security sector reform

1 meeting (5632)

Maintenance of international peace and security

1 meeting (5705)

Women and peace and security

5 meetings (5066, 5294, 5556, 5636, 5766)

Post-conflict national reconciliation: role of the United Nations

1 meeting (4903)

Items relating to business and civil society

The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding

1 meeting (4943)

Role of civil society in post-conflict peacebuilding

1 meeting (4993)

The role of civil society in conflict prevention and the pacific settlement of disputes

1 meeting (5264)

Items relating to non-proliferation

Non-proliferation of weapons of mass destruction

5 meetings (4950, 4956, 5097, 5429, 5635)

Non-proliferation

8 meetings (5403, 5500, 5612, 5646, 5647, 5702, 5743, 5807)

Non-proliferation/Democratic People's Republic of Korea

2 meetings (5551, 5618)

Items relating to peacekeeping

United Nations peacekeeping operations

4 meetings (4970, 5191, 5376, 5379)

Strengthening cooperation with troop-contributing countries

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

8 meetings (4983, 5054, 5198, 5316, 5447, 5582, 5689, 5794)

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

8 meetings (4996, 5098, 5200, 5330, 5452, 5587, 5692, 5797)

Agenda item

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

9 meetings (4902, 4955, 5062, 5167, 5291, 5420, 5553, 5665, 5770)

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

7 meetings (4901, 5008, 5115, 5233, 5355, 5495, 5731)

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

9 meetings (4900, 5010, 5114, 5234, 5357, 5398, 5544, 5657, 5756)

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

3 meetings (4932, 5035, 5333)

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

7 meetings (5009, 5023, 5146, 5271, 5537, 5656, 5787)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Support in East Timor pursuant to resolution 1353 (2001), annex II, sections A and B

3 meetings (4963, 5074, 5179)

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

10 meetings (4922, 5029, 5138, 5257, 5286, 5383, 5433, 5536, 5620, 5722)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B

6 meetings (5034, 5258, 5395, 5534, 5643, 5737)

Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire pursuant to resolution 1353 (2001), annex II, sections A and B

4 meetings (5150, 5349, 5585, 5715)

Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B

6 meetings (5087, 5183, 5367, 5506, 5625, 5755)

Agenda item

Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B

4 meetings (5182, 5310, 5475, 5604)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B

5 meetings (5265, 5391, 5527, 5666, 5771)

Complex crises and United Nations response

1 meeting (4980)

Items relating to the role of regional and subregional organizations in the maintenance of international peace and security

Cooperation between the United Nations and regional organizations in stabilization processes

1 meeting (5007)

Cooperation between the United Nations and regional organizations in maintaining peace and security

2 meetings (5282, 5529)

Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

1 meeting (5649)

The role of regional and subregional organizations in the maintenance of international peace and security

1 meeting (5776)

Civilian aspects of conflict management and peacebuilding

1 meeting (5041)

Items relating to the rule of law

Justice and the rule of law: the United Nations role

1 meeting (5052)

Strengthening international law: rule of law and maintenance of international peace and security

1 meeting (5774)

Post-conflict peacebuilding

4 meetings (5187, 5335, 5627, 5761)

Threats to international peace and security

1 meeting (5615)

Letter dated 5 April 2007 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

1 meeting (5663)

Security Council mission

21 meetings (4899, 4911, 5000, 5005, 5091, 5096, 5178, 5305, 5315, 5462, 5466, 5478, 5482, 5570, 5581, 5672, 5673, 5706, 5717, 5791, 5801)

Briefings

Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe

4 meetings (4964, 5134, 5346, 5751)

Briefing by the United Nations High Commissioner for Refugees

2 meetings (4973, 5353)

Briefings by Chairmen of subsidiary bodies of the Security Council

11 meetings (5106, 5168, 5229, 5293, 5332, 5375, 5538, 5601, 5679, 5779, 5806)

Briefing by the Chairman of the African Union

2 meetings (5448, 5449)

Briefing by the President of the International Court of Justice

2 meetings (5557, 5775)

Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

1 meeting (5792)

Other matters considered by the Security Council

Admission of new Members

2 meetings (5471, 5473)

Date of election to fill a vacancy in the International Court of Justice

1 meeting (5070)

Agenda item

Election of a member of the International Court of Justice

1 meeting (5121)

Election of five members of the International Court of Justice

1 meeting (5299)

Consideration of the draft report of the Security Council to the General Assembly

4 meetings (5044, 5262, 5578, 5769)

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 on 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 11 times.¹ Although the provisional rules have not been amended since 1982, the Council has clarified its working methods and procedure by notes of the President and other means. During the period under review, this has included a note by the President of 7 February 2006 which contains in its annex an updated descriptive index to notes and statements by the President relating to documentation and procedure,² as well as a note by the President of 19 July 2006 which summarizes recent practices and newly agreed measures, and further develops notes and statements by the President relating to documentation and procedure by supplementing and in some cases superseding them.³ The Council also elucidated additional measures regarding informal consultations, matters of which the Council is seized and the annual report of the Security Council to the General Assembly in a note by the President of 19 December 2007.⁴

The material in the present chapter follows the order of the relevant chapters of the provisional rules of procedure of the Security Council: part I deals with meetings (Article 28 and 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).

Some rules are considered in other chapters of the *Repertoire*: agenda (rules 6-12) in chapter II; participation in the proceedings of the Council (rules 37-39) in chapter III; voting (Article 27 and rule 40) in chapter IV; subsidiary organs of the Security Council

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 and 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 Rev.1-7; for the latest version see S/96/Rev.7.

² S/2006/78. This document lists by symbol and summary title relevant notes and statements from June 1993 to December 2005.

³ S/2006/507. The document describes agreed measures on the agenda, briefings, documentation, informal consultations, meetings, programme of work, resolutions and presidential statements, subsidiary bodies, matters of which the Council is seized, communication with the Secretariat and outside, the annual report of the Security Council to the General Assembly and newly elected members. This chapter will cover in detail relevant newly agreed measures.

⁴ S/2007/749.

(Article 29 and rule 28) in chapter V; relations with other United Nations organs (rule 61) in chapter VI; and admission of new Members (rules 58-60) in chapter VII.

As in previous Supplements, the case histories and other information presented here do not constitute cumulative evidence of the practice of the Council, but are indicative of issues and practices that have arisen in the proceedings of the Council.

Part I

Meetings (rules 1-5)

Article 28

1. *The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.*
2. *The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.*
3. *The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.*

Note

Section A reflects the practice of the Council in relation to provisions of Article 28 of the Charter and chapter I of the provisional rules of procedure (rules 1-5), entitled “Meetings”. Material pertaining to rules 1, 3, 4 and 5 is set out below. During the period under review, no special cases occurred in relation to rule 2, which states that the President shall call a meeting of the Security Council at the request of any member of the Security Council.

Section B details a number of procedural developments relating to meetings.

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.

Article 28 (1) requires that the Council “be so organized as to be able to function continuously”. Rule 1 provides that the interval between meetings shall not exceed 14 days. From 2004 to 2007, there were two instances, in relation to rule 1, when Council meetings were not convened within an interval of 14 days: 17 days between the 5107th meeting on 22 December

2004 and the 5108th meeting on 10 January 2005, and 15 days between the 5342nd meeting on 21 December 2005 and the 5343rd meeting on 6 January 2006. An interval of 20 days occurred between the 4891st meeting on 22 December 2003 and the 4892nd meeting on 12 January 2004. No questions arose in the proceedings of the Council on this matter.

The Council held 215 meetings in 2004, 235 meetings in 2005, 272 meetings in 2006 and, in a slight downturn, 202 meetings in 2007. This figure does not include meeting resumptions or informal consultations. It was not unusual for the Council to hold more than one meeting a day and, on each of two days in 2006, the Council held six meetings.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.

By a letter dated 8 August 2007 addressed to the President of the Security Council,⁶ the representative of Georgia, explicitly referring to Article 35, requested the Security Council to “convene a meeting of the Security Council in the nearest future” in order to address the issue of the bombardment of the territory of Georgia. Consultations of the whole were held to discuss this issue on 9 and 16 August 2007. The next formal meeting to discuss the situation in Georgia was held only on 15 October 2007.⁷

⁵ On 25 April 2006, the Council held its 5420th to 5425th meetings and on 15 December 2006 the Council held its 5591st to 5596th meetings.

⁶ S/2007/480.

⁷ See the report of the Security Council to the General Assembly, 1 August 2007-31 July 2008 (A/63/2), part II, chap. 10.

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.

Article 28 (2) provides that the Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative. During the period under review, the Council held eight meetings, most during the period of the general debate of the General Assembly, at which participation by most of the members of the Security Council was at the ministerial level or higher (see table 1).

Table 1
High-level meetings of the Security Council, 2004-2007

| <i>Meeting and date</i> | <i>Agenda</i> |
|---------------------------|---|
| 5041 22 September 2004 | Civilian aspects of conflict management and peacebuilding |
| 5261 14 September 2005 | Threats to international peace and security |
| 5264 20 September 2005 | The role of civil society in conflict prevention and the pacific settlement of disputes |
| 5297 31 October 2005 | The situation in the Middle East |
| 5434 9 May 2006 | Reports of the Secretary-General on the Sudan |
| 5529 20 September 2006 | Cooperation between the United Nations and regional organizations in maintaining international peace and security |
| 5530 21 September 2006 | The situation in the Middle East, including the Palestinian question |
| 5749 25 September 2007 | Peace and security in Africa |

Rule 5

Meetings of the Security Council shall normally be held at the seat of the United Nations.

Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place and the period during which the Council shall meet at such place.

Article 28 (3) of the Charter states that “The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work”, rule 5 providing further elaboration.

At the 5063rd meeting, held on 26 October 2004 to consider the item entitled “Security Council meetings in Nairobi (18-19 November 2004)”, members of the Council had before them the text of a draft resolution which had been prepared in the course of the Council’s prior consultations.⁸ The draft resolution was adopted unanimously as resolution 1569 (2004), by which the Council, acting in accordance with Article 28 (3) of the Charter, decided to hold meetings in Nairobi starting on 18 November 2004 and ending on 19 November 2004.⁹

The 5080th to 5084th meetings were held in Nairobi, as indicated in table 2.

Table 2
Meetings held away from Headquarters, 2004-2007
(All meetings held in Nairobi)

| <i>Meeting and date</i> | <i>Agenda item</i> |
|------------------------------------|---|
| 5080 18 November 2004 | Reports of the Secretary-General on the Sudan |
| 5081 (private) 18 November 2004 | Reports of the Secretary-General on the Sudan |
| 5082 19 November 2004 | Reports of the Secretary-General on the Sudan |
| 5083 19 November 2004 | The situation in Somalia |
| 5084 19 November 2004 | Institutional relationship with the African Union |

⁸ S/2004/857.

⁹ Resolution 1569 (2004) also referred to rule 49 of the Council’s provisional rules of procedure. See part VII of the present chapter for details.

B. Procedural developments relating to meetings

Recognizing that the provisional rules of procedure of the Security Council and their own practice provided them with considerable flexibility in choosing how best to structure their meetings and select the one suited to consideration of specific agenda items, members of the Council agreed by the note by the President of 19 July 2006 that meetings of the Council could be structured according to, but not limited to, the following formats:¹⁰

(a) Public meetings

(i) Functions

To take action and/or hold, inter alia, briefings and debates.

(ii) Presence and participation

The presence and participation of non-Council members in public meetings should take place in accordance with the provisional rules of procedure. The Council's practice, as described below, is understood as being in accordance with the provisional rules of procedure, although it should not under any circumstances be understood as replacing or substituting for the provisional rules of procedure:

a. Any Member of the United Nations that is not a member of the Security Council may be present at its delegation's designated seats in the Council Chamber;

b. On a case-by-case basis, any Member of the United Nations that is not a member of the Security Council, members of the Secretariat and other persons may be invited to participate in the discussion, including for the purpose of giving briefings to the Council, in accordance with rule 37 or 39 of the provisional rules of procedure.

(iii) Descriptions in the provisional monthly programme of work

The members of the Security Council intend to continue to include the following formats for public meetings in the provisional monthly programme of work (calendar) when they plan to adopt, in general, the corresponding procedures:

a. "Open debate": briefings may or may not be conducted, and Council members may deliver statements; non-Council members may also be invited to participate in the discussion upon their request;

b. "Debate": briefings may be conducted, and Council members may deliver statements; non-Council members that are directly concerned or affected or have special interest in the matter under consideration may be invited to participate in the discussion upon their request;

c. "Briefing": briefings are conducted, and only Council members may deliver statements following briefings;

d. "Adoption": Council members may or may not deliver statements before and/or after adopting, inter alia, resolutions and presidential statements; non-Council members may or may not be invited to participate in the discussion upon their request.

(b) Private meetings

(i) Functions

To conduct discussion and/or take actions, e.g., recommendation regarding the appointment of the Secretary-General, without the attendance of the public or the press.

(ii) Presence and participation

The presence and participation of non-Council members in private meetings should take place in accordance with the provisional rules of procedure. The Council's practice, as described below, is understood as being in accordance with the provisional rules of procedure, although it should not under any circumstances be understood as replacing or substituting for the provisional rules of procedure:

a. On a case-by-case basis, any Member of the United Nations which is not a member of the Security Council, members of the Secretariat and other persons may be invited to be present or to participate in the discussion, including for the purpose of giving briefings to the Council, in accordance with rule 37 or 39 of the provisional rules of procedure.

(iii) Descriptions in the provisional monthly programme of work

The members of the Security Council intend to continue to include the following formats for private meetings in the provisional monthly programme of work (calendar) when they plan to adopt, in general, the corresponding procedures:

a. "Private debate": briefings may be conducted, and Council members may deliver statements; any Member of the United Nations which is not a member of the Security Council, members of the Secretariat and other persons may be invited to be present or to participate in the discussion, upon their request, in accordance with rule 37 or 39 of the provisional rules of procedure;

b. "TCC meeting": briefings may be conducted, and Council members may deliver statements; parties prescribed in resolution 1353 (2001) are invited to participate in the discussion, in accordance with the resolution.

¹⁰ S/2006/507, annex, para. 35.

In order to increase the transparency of its work, the Council reaffirmed its commitment to increase recourse to open meetings, particularly at the early stage in its consideration of a matter.¹¹ In the context of communication with the Secretariat and outside, the Council further elaborated meeting arrangements:¹²

50. The members of the Security Council intend to seek the views of Member States that are parties to a conflict and/or other interested and affected parties. For that purpose, the Security Council may, *inter alia*, utilize private meetings when public meetings are not appropriate, in which case invitations are also to be extended in accordance with rules 37 and 39 of the Council's provisional rules of procedure.

54. The members of the Security Council intend to utilize "Arria-formula" meetings as a flexible and informal forum for enhancing their deliberations. To that end, members of the Security Council may invite on an informal basis any Member

State, relevant organization or individual to participate in "Arria-formula" informal meetings. The members of the Security Council agree to consider using such meetings to enhance their contact with civil society and non-governmental organizations, including local non-governmental organizations (NGOs) suggested by United Nations field offices. The members of the Security Council encourage the introduction of such measures as lengthening lead times, defining topics that participants might address and permitting their participation by video teleconference.

55. The members of the Security Council encourage Security Council missions to continue to avoid restricting their meetings to those with governmental interlocutors and interlocutors of conflict parties and to hold, as appropriate, meetings with local civil society leaders, NGOs and other interested parties.

Concerning informal consultations, in the note by the President of 19 December 2007,¹³ the members of the Council encouraged the Secretariat to exercise restraint as far as participation of its members in informal consultations was concerned, while encouraging members of the Council to ensure that their participation in informal consultations was adequate. Members of the Secretariat providing briefings to the Council were requested to focus on key issues and to provide the latest information, as necessary, without repeating the content of written reports already available to members of the Council.

¹¹ *Ibid.*, para. 26. See also part VII of the present chapter, for a list of meetings held in private during the period under review.

¹² S/2006/507, annex, paras. 50 and 54-55. See also para. 20 (covered in part III of the present chapter) and paras. 21-25 (covered in part V of the present chapter).

¹³ S/2007/749, paras. 2-4. See also S/2004/939 concerning participation of newly elected members in informal consultations of the whole and meetings of subsidiary bodies; also covered in chapter 3 of the present *Supplement*.

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 24 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-mentioned 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.

There were no special cases concerning the application of rules 13 to 17 during the period under review.

Part III

Presidency (rules 18-20)

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, specifically rules 18 to 20 and related procedural developments.

Material pertaining to the exercise by the President of his/her functions in the conduct of meetings is included in part V (Conduct of business) of this chapter. Material related to efforts of the presidency to inform non-member States and others about Council decisions and deliberations is contained in part VII (Publicity of meetings, records).

Material relevant to the exercise by the President of his/her functions in connection with the agenda is dealt with in chapter II.

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; or of rule 20, which deals with the temporary cession of the Chair by the President.

The application of rule 19, which states that the President shall preside over meetings of the Security Council and, under the authority of the Security Council, represent it in its capacity as an organ of the United Nations, was not contentious. In addition to presiding over meetings of the Council and informal consultations of the whole, the President regularly briefed non-members of the Council, made statements and remarks to the press and held bilateral meetings with concerned parties such as Member States, heads of principal organs and agencies, chairmen of the regional groups and others. Continuing a practice begun in October 1998, the President represented the Council at the sixth to ninth annual meetings of the

heads of the principal organs of the United Nations.¹⁴ These informal meetings had been initiated by the Secretary-General to improve coordination among the principal organs as well as efficiency in the workings of the Organization.

The General Assembly in resolution 58/126 of 19 December 2003 called upon the Presidents of the General Assembly, the Security Council and the Economic and Social Council to meet together periodically with a view to ensuring increased cooperation, coordination and complementarity of the work programmes of the three organs in accordance with their respective responsibilities under the Charter. The President of the fifty-eighth session of the General Assembly convoked a meeting with the Presidents of the Security Council and the Economic and Social Council on 24 June 2004 to discuss the implementation of that resolution. During the period under review, the Presidents of these three organs met together informally, generally once a month, often with the incoming President of the Security Council. There was no set time or venue for these informal gatherings. The holding of these and similar meetings was encouraged in the note by the President of 19 July 2006, in which it was stated that the Council intended to continue to maintain regular communication with the General Assembly and the Economic and Social Council for better coordination among the principal organs of the United Nations and that, to that end, "the members of the Security Council encourage the President of the Council to continue holding meetings with the

¹⁴ During the period under review, meetings of the heads of the six main organs of the United Nations were held on 2 November 2004, 25 October 2005, 26 October 2006 and 30 October 2007.

Presidents of the General Assembly and the Economic and Social Council on a regular basis".¹⁵

By the same note,¹⁶ the members of the Council encouraged the President to suggest, through consultations with interested members and/or the Secretariat, a few areas for members of the Council and the Secretariat to focus on at forthcoming informal consultations, without the intention of prescribing the

¹⁵ S/2006/507, annex, para. 51.

¹⁶ *Ibid.*, para. 20.

scope of discussion, at least one day before the consultations are to be held.

Presidents continued to provide brief assessments of the work of the Council during their term(s) as President which were listed in part I of the annual reports of the Council to the General Assembly.¹⁷ While preparing a monthly assessment is not required of the President, all Presidents during the period under review availed themselves of the opportunity to do so.

¹⁷ A/59/2, A/60/2, A/61/2, A/62/2 and A/63/2.

Part IV Secretariat (rules 21-26)

Note

Part IV relates to rules 21 to 26 of the provisional rules of procedure, which set out the functions and powers of the Secretary-General in connection with the meetings of the Security Council. These rules reflect the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council.¹⁸ While no cases relating to these rules were found for the period under review, the note by the President of 19 July 2006 outlines a number of procedures in relation to the Secretariat.¹⁹ These are reproduced below under the following headings: briefings, documentation, notification,²⁰ distribution of statements, communication with the Secretariat and outside, and newly elected members.

¹⁸ For specific instances in which the Secretary-General was requested or authorized by the Security Council to carry out other functions in accordance with Article 98 of the Charter, see chap. VI.

¹⁹ S/2006/507, annex. See also part V of the present chapter.

²⁰ These paragraphs appear under "Documentation" in S/2006/507.

Procedural developments relating to the Secretariat

Briefings

6. The members of the Security Council intend to continue to consider requesting the Secretariat to give an ad hoc briefing at Security Council meetings in cases in which an emergent situation which justifies a briefing arises.
7. The members of the Security Council intend to request the Secretariat to give ad hoc briefings at informal consultations on a daily basis, if necessary, when a situation justifies such briefings.
8. The members of the Security Council invite the Secretariat to continue its practice of circulating the briefing texts at "Briefings".
9. The members of the Security Council invite the Secretariat, as a general rule, to provide a printed fact sheet, presentation materials and/or any other relevant reference materials, whenever possible, to Council members on the day prior to the consultations, when briefings in the Security Council consultations room are not given on the basis of a written report.

Documentation

11. The members of the Security Council agree that reports of the Secretary-General should be circulated to Council members and made available in all official languages of the United Nations at least four working days before the Council is scheduled to consider them. The members of the Security Council also agree that the same rule should apply to making such reports available to relevant participants in Council meetings in which those reports are discussed, including the distribution of the reports on peacekeeping missions to all participants in meetings of troop-contributing countries.

12. The members of the Security Council agree to consider setting a six-month interval as the standard reporting period, unless the situation provides reason for shorter or longer intervals. The members of the Security Council also agree to define reporting intervals as clearly as possible when adopting resolutions. The members of the Security Council further agree to request oral reporting, which does not require submission of a written report, if the members of the Council consider that it would serve the purpose satisfactorily, and to indicate that request as clearly as possible.

13. The members of the Security Council encourage the Secretary-General to include a section in his reports where all recommendations are listed, when presenting recommendations to the Council regarding the mandate of a United Nations mission.

14. The members of the Security Council encourage the Secretary-General to make reports as concise as possible, particularly for shorter reporting periods.

15. The members of the Security Council intend to request the Secretary-General to include policy recommendations on long-term strategy in his reports, if appropriate.

16. Reports of the Secretary-General will specify the date on which the document is physically and electronically distributed in addition to the date of signature by the Secretary-General.

17. The Security Council agrees to cooperate with other organs of the United Nations in synchronizing reporting obligations of the Secretariat on the same subject, if appropriate, while putting priority on the effective work of the Council.

Notification

18. The members of the Security Council request the Secretariat to update the Council towards the end of each month on the progress in the preparation of the reports of the Secretary-General to be issued the following month. The members of the Security Council also request the Secretariat to communicate with the Council immediately if it expects reports to be delayed beyond their deadlines or if reports that have not been requested by the Council are expected to be issued.

19. The members of the Security Council invite the Secretariat to send all information currently sent to Council members by fax also by e-mail.

34. The members of the Security Council invite the Secretariat to notify Member States of unscheduled or emergency meetings not only by the telephone recorded message service but also through the Council website.

Distribution of statements

36. Texts of statements made in the meetings of the Security Council will, 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. A delegation requesting the distribution of its statement is encouraged to provide a sufficient number (200) of copies to the Secretariat in advance of the statement. Where a delegation does not provide to the Secretariat a sufficient number of copies of its statement, those copies will be placed outside the Council Chamber at the end of the meeting. Delegations are requested not to make statements otherwise available during the meeting.

Communication with the Secretariat and outside

52. The members of the Security Council intend to make the best use of all mechanisms available, as appropriate, to convey policy guidance to the Secretary-General, including dialogue, letters from the President, adoption of resolutions or presidential statements, or any other means deemed appropriate.

53. The members of the Security Council, through the Secretary-General, invite new Special Representatives of the Secretary-General to engage in dialogue with members of the Council before assuming their duties under new mandates, including in the field, in order to obtain Council members' views on the objectives and the mandates, whenever possible.

Newly elected members

63. The Security Council invites the Secretariat to continue to take appropriate measures to familiarize the newly elected members with the work of the Council and its subsidiary bodies, including by providing briefing materials and holding seminars before they begin to attend Council meetings.

Part V Conduct of business (rules 27-36)

Note

Part V sets out material bearing on rules 27 and 29 to 36, which concern conduct of business at meetings of the Council. Material relating to rule 28 can be found in chapter V (Subsidiary organs of the

Security Council), while material relating to rules 37-39 is included in chapter III (Participation in the proceedings of the Security Council).

While there was no special application of the provisional rules of procedure concerning conduct of meetings, the Council continued to search for efficient,

effective and transparent ways to conduct meetings. The measures in the note by the President of 19 July 2006 which pertain to conduct of business at both formal and informal meetings are reproduced below.²¹ Pertinent information concerning formal meetings is presented first.

Procedural developments relating to conduct of business

Formal meetings

27. The Security Council encourages, as a general rule, all participants, both members and non-members of the Council, in Council meetings to deliver their statements in five minutes or less. The Security Council also encourages each briefer to limit initial remarks to 15 minutes, unless otherwise decided by the Council.

28. The Security Council encourages participants in Council meetings to express agreement without repeating the same content, if they agree, in part or in whole, with the content of a previous statement.

29. The Security Council agrees that, when non-members are invited to speak to the Council, those who have a direct interest in the outcome of the matter under consideration may speak prior to Council members, if appropriate.

31. In order to further encourage substantive discussions with troop-contributing countries, in accordance with Security Council resolution 1353 (2001), the members of the Security Council encourage the attendance of appropriate military and political officers from each participating mission. The members of the Security Council emphasize the importance of meeting with troop-contributing countries at the early stages of

consideration of a matter. The members of the Security Council encourage the President of the Council to provide sufficient time for the meetings.

32. The President of the Security Council will in public meetings introduce agenda items by specifying the agenda item/issue for consideration, unless otherwise agreed in the Council's prior consultations, and refer to all speakers at political and ambassadorial level by name and title. These names will, however, not have to be included in the official records or in advance in the briefing notes prepared by the Secretariat for the Presidency.

33. When non-members of the Security Council are invited to speak at its meetings, they will be seated at the Council table on alternate sides of the President, with the first speaker seated on the President's right.

Informal consultations

21. The members of the Security Council intend, where they agree with a previous speaker, in part or in whole, to express that agreement without repeating the same content.

22. The members of the Security Council agree that, as a general rule, the President of the Council should adhere to the prescribed speakers' list. The members of the Security Council encourage the President to facilitate interaction by inviting any participant in the consultations to speak at any time, irrespective of the order of the prescribed speakers' list, when the discussion requires it.

23. The members of the Security Council encourage speakers to direct their questions not only to the Secretariat, but also to other members.

24. The members of the Security Council do not discourage each other from taking the floor more than once, in the interest of making consultations more interactive.

25. The members of the Security Council invite the Secretariat to continue its practice of circulating all press statements issued by the Secretary-General or by the Secretary-General's spokesperson in connection with matters of concern to the Security Council, both in informal consultations and by e-mail.

²¹ S/2006/507, annex, paras. 21-33. Paragraphs 32 and 33 were recollected from previous note(s) by the President of the Security Council.

Part VI Languages (rules 41-47)

Rules 41 to 47 concern the official and working languages of the Council, interpretation and the languages of meeting records and published resolutions and decisions. Rule 44 states that any representative may make a speech in a language other than the languages of the Council if he himself provides for interpretation into one of those languages. At the 5647th meeting, held on 24 March 2007 to consider the item entitled "Non-proliferation", the representative of the Islamic Republic of Iran spoke in Persian, and his delegation provided the English text of his statement.

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

Note

Rules 48 to 57 are concerned with access to information about Security Council meetings and documents. Rule 48 states that, unless it decides otherwise, the Security Council shall meet in public, and that any recommendation made to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.²²

During the period under review, the Council continued its practice of meeting with troop-contributing

²² See part I of the present chapter for further discussion of procedural developments related to private meetings.

countries in private,²³ 20 such meetings were held in 2004, 21 in 2005, 22 in 2006 and 20 in 2007. One meeting was held concerning the recommendation for the appointment of the Secretary-General.²⁴

Forty-five other meetings were held in private, as detailed in table 3.

²³ In resolution 1353 (2001) on strengthening cooperation with troop-contributing countries, the Council decided that it 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 a specific peacekeeping operation.

²⁴ At its 5547th meeting, on 9 October 2006, the Security Council recommended the appointment of Mr. Ban Ki-moon as Secretary-General of the United Nations.

Table 3
Meetings of the Security Council held in private, 2004-2007

| <i>Meeting</i> | <i>Date</i> | <i>Agenda item</i> |
|----------------------|-------------------|---|
| 4904 | 27 January 2004 | The situation in Georgia |
| 5042 | 23 September 2004 | The situation in Burundi |
| 5046 | 30 September 2004 | Reports of the Secretary-General on the Sudan |
| 5081 held in Nairobi | 18 November 2004 | Reports of the Secretary-General on the Sudan |
| 5144 | 21 March 2005 | The situation in Georgia |
| 5174 | 4 May 2005 | The situation in Georgia |
| 5186 | 24 May 2005 | The situation in Sierra Leone |
| 5190 | 31 May 2005 | The situation concerning Iraq |
| 5196 | 7 June 2005 | The question concerning Haiti |
| 5217 | 29 June 2005 | Reports of the Secretary-General on the Sudan |
| 5237 | 27 July 2005 | Letters dated 6 July 2005 from the Permanent Representative of the United Kingdom to the President of the Security Council [Briefing by the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe] |
| 5238 | 27 July 2005 | The situation in Georgia |
| 5253 | 31 August 2005 | The situation in Côte d'Ivoire |
| 5267 | 21 September 2005 | The situation concerning Iraq |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Meeting</i> | <i>Date</i> | <i>Agenda item</i> |
|-----------------------------|-------------------|---|
| 5279 | 13 October 2005 | The situation in Côte d'Ivoire |
| 5322 | 13 December 2005 | Reports of the Secretary-General on the Sudan |
| 5345 | 13 January 2006 | Reports of the Secretary-General on the Sudan |
| 5358 | 26 January 2006 | The situation in Georgia |
| 5370 | 10 February 2006 | The situation in Afghanistan |
| 5414 | 18 April 2006 | Reports of the Secretary-General on the Sudan |
| 5416 | 19 April 2006 | Briefings by the Minister for Foreign Affairs and Minister of Defence of Uganda |
| 5418 | 21 April 2006 | The situation in the Middle East |
| 5427 | 27 April 2006 | The situation in Côte d'Ivoire |
| 5460 | 14 June 2006 | Reports of the Secretary-General on the Sudan |
| 5464 | 15 June 2006 | The situation concerning Iraq |
| 5496 | 26 July 2006 | The situation in Afghanistan |
| 5517 | 28 August 2006 | Reports of the Secretary-General on the Sudan |
| 5526 (resumed) ^d | 29 September 2006 | The situation in Myanmar |
| 5531 | 22 September 2006 | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) |
| 5535 | 25 September 2006 | The situation in Somalia |
| 5548 | 9 October 2006 | The situation in Afghanistan |
| 5555 | 25 October 2006 | The situation in Côte d'Ivoire |
| 5557 | 27 October 2006 | Briefing by the President of the International Court of Justice |
| 5590 | 14 December 2006 | Reports of the Secretary-General on the Sudan |
| 5623 | 24 January 2007 | The situation in Georgia |
| 5640 | 19 March 2007 | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) |
| 5654 | 3 April 2007 | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) |
| 5658 | 10 April 2007 | The situation in Georgia |
| 5678 | 21 May 2007 | The situation in Burundi |
| 5680 | 23 May 2007 | The situation in Afghanistan |
| 5688 | 7 June 2007 | Reports of the Secretary-General on the Sudan |

| <i>Meeting</i> | <i>Date</i> | <i>Agenda item</i> |
|----------------|------------------|---|
| 5707 | 28 June 2007 | The situation in Somalia |
| 5724 | 26 July 2007 | The situation in Georgia |
| 5775 | 2 November 2007 | Briefing by the President of the International Court of Justice |
| 5881 | 19 December 2007 | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) |

^a The first part of the 5526th meeting was a public meeting, and the resumption was held in private.

Rules 49 to 57 concern the records of meetings and documents. One case concerning the application of rule 49 is considered in section A below.

Section B outlines a number of procedural developments relating to publicity of meetings, records.

A. Special case concerning the application of rule 49

In accordance with rule 49, the verbatim records of each meeting are made available in the working languages to the representatives on the Security Council, as well as to the representatives of any other States that participated in the meeting, not later than 10 a.m. of the first working day following the meeting. In one instance during the period under review, there was an agreed waiver of the requirement laid down in rule 49 regarding the time of issuance of the verbatim record of the meeting.

By resolution 1569 (2004) of 26 October 2004, the Security Council decided to hold meetings on 18 and 19 November 2004 in Nairobi. Also by that resolution, the Council decided to waive the requirement laid down in rule 49 of the Council's provisional rules of procedure that the verbatim record of each meeting of the Council should be made available on the first working day following the meeting and decided that the verbatim record would be issued subsequently in New York.²⁵

B. Procedural developments relating to publicity of meetings, records

The note by the President of 19 July 2006 was, among other things, an effort to enhance the "transparency of the Council's work".²⁶ The members of the Council agreed that the President or his or her designate should provide substantive and detailed briefings to Member States in a timely manner, and that these briefings should take place shortly after informal consultations of the whole. They encouraged the President to provide the attending Member States with copies of statements that he or she makes to the media following the informal consultations, if appropriate. They also encouraged the President to hold an informal briefing on the programme of work open to all Member States, after its adoption by the Council.²⁷

The members of the Security Council noted their intention to intensify their efforts to publicize decisions and other relevant information of the Council and its subsidiary bodies to the Member States and other organizations through correspondence, websites, outreach activities and other means, when appropriate. They also recorded their intention to continue to examine ways to enhance activities in this regard, and to encourage subsidiary bodies of the Council to continue to review periodically policies concerning access to their documents, as appropriate.²⁸

By the same note, the members of the Council encouraged the President to publish a streamlined tentative monthly forecast of the programme of work on the Council website as soon as it had been distributed to Council members, and that a reminder of the availability of the forecast on the website should be

²⁵ Resolution 1569 (2004), para. 3.

²⁶ S/2006/507, para. 1.

²⁷ *Ibid.*, annex, paras. 3-4.

²⁸ *Ibid.*, para. 10.

placed in the *Journal of the United Nations* each month. The members of the Council also agreed that the President of the Council should update the provisional monthly programme of work (calendar) and make it available to the public through the Council website each time it is revised and distributed to Council members, with appropriate indication of the revised items.²⁹

²⁹ Ibid., paras. 37-40.

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. The part concerning adoption or amendment of rules 6 to 12 has been omitted in the present Supplement since, during the period under review, the Council did not consider any change to rules 6 to 12.

Part I, The provisional agenda (rules 6-8 and 12), provides information on the practice of the Security Council with regard to circulation of communications by the Secretary-General, and 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 requirements for the inclusion of an item in the agenda and the effect of the inclusion of an item in the agenda. Other questions discussed in connection with the adoption of the agenda are the scope of items on the agenda in relation to the scope of the discussion, and the phrasing of agenda items. No material was found for treatment concerning the procedure of the Council in voting on the adoption of the agenda or the order of discussion of the items on the agenda.

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. It includes an overview of the Council's decisions with regard to the addition, retention and deletion of items of which the Council is seized. The table in section B supplements the tables in previous volumes of the Repertoire and indicates the changes that have since occurred in the list of matters of which the Security Council is seized.

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.¹

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. During the period under review, no material relating to these rules 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 for a meeting to the representatives on the Security Council. Pursuant to prior decisions of the Council,² the provisional agendas for formal 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 While the application of rule 6 was not discussed, a complaint was made in a letter dated 18 February 2005 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2005/100) that two documents from his Government had not been translated and circulated to Council members as requested.

² S/26015, S/PRST/1994/62 and S/2006/507.

Part II

Adoption of the agenda (rule 9)

Note

As in previous volumes of the *Repertoire*, this part is devoted to the proceedings of the Council on those occasions when objection was raised to the adoption of the agenda or other questions were discussed in connection with the adoption of the agenda.

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda.³ In practice, the Council has usually discussed and approved the provisional agenda in prior informal consultations and then adopted it at the formal meeting without a vote. Objections to the adoption of the agenda have also been precluded by the practice of the Council of including a single substantive item in the provisional agenda for each meeting.

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. On several occasions, however, objections were raised or discussions took place on the substance of the item included in the provisional agenda. Participation in discussions related to the adoption of the agenda was limited to members of the Council.

From 2004 to 2007, the Council added 43 new items to its agenda, including two items that were adopted with a vote (cases 1 and 2).⁴ Notably, of the

new items, approximately half dealt with thematic issues.

With a view to enhancing the efficiency and transparency of the Council's work, in a note by the President of the Council dated 19 July 2006,⁵ the members of the Council recalled the desirability, whenever possible, of using descriptive formulations of agenda items at the time of their initial adoption to avoid having a number of separate agenda items on the same subject. It was further observed that when such a descriptive formulation existed, consideration should be given to subsuming earlier agenda items on the same subject under the descriptive formulation (case 5).

In section A below, "Consideration of requirements for the inclusion of an item in the agenda", two case histories have been included (cases 1 and 2). In both instances, objections on the adoption of the agenda led to a vote. Section B, "Consideration of effect of inclusion of an item in the agenda", contains a case history on a discussion relating to the substance of the item on the agenda (case 3). Section C refers to instances when the Council discussed other questions arising in relation to the adoption of the agenda. Case histories are included under the subheadings: "Scope of items on the agenda in relation to the scope of the discussion" (case 4) and "Phrasing of agenda items" (case 5). No material was found for treatment concerning the order of discussion of items on the agenda and precedence of the decision on adoption of the agenda, included in previous volumes of the *Repertoire*.

³ 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. These included expressions of thanks, congratulations, tributes, expressions of sympathy and condolence. The latter category also included the observation of a minute of silence (see for example, S/PV.4892, S/PV.4910, S/PV.4920, S/PV.5159, S/PV.5315 and S/PV.5728).

⁴ For a complete list of the new items, see the table in part III, section B. On many occasions, even before an item was officially included in the Council's agenda, it was discussed in informal consultations of the whole and a press statement was issued by the President, presenting the key elements or results of such consultations. For example, on 2 and 14 April 2004, following briefings by the Under-Secretary-General for Humanitarian Affairs

and Emergency Relief Coordinator in informal consultations on the humanitarian situations in Darfur, the Sudan and northern Uganda, press statements were released on the issues, even though the items were not yet on the agenda of the Council.

⁵ S/2006/507.

A. Consideration of requirements for the inclusion of an item in the agenda

Case 1

At the 5237th meeting, held in private on 27 July 2005,⁶ the provisional agenda included the item entitled “Letters dated 26 July 2005 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”.⁷ The letters contained a request for a meeting to discuss the report of the fact-finding mission of the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe to assess the scope and impact of Operation Murambatsvina. Prior to the adoption of the agenda, the representative of the Russian Federation requested that the agenda be put to a vote, following which the representatives of China and the United Kingdom made statements. The President then put the request of the Russian Federation to a vote. The request received 9 votes in favour, 5 against and 1 abstention. The agenda was adopted.

Case 2

At its 5526th meeting, on 15 September 2006, pursuant to a letter dated 15 September 2006 from the representative of the United States,⁸ the Security Council included in its agenda, with objection, the item entitled “The situation in Myanmar”.

Speaking before the vote, the representative of China questioned the categorization of the situation in Myanmar as a threat to international peace and security. Referring to a letter dated 10 July 2006 from the Non-Aligned Movement to the President of the Security Council,⁹ in which the Movement stated its categorical opposition to the inclusion of Myanmar in the Council’s agenda, the representative of China further argued that to request that the Council discuss an issue that by its nature pertained to the internal affairs of a country not only exceeded the mandate given by the Charter to the Council, but also undermined the Council’s authority and legality. He further expressed the view that so long as the situation in Myanmar did not pose a threat to international or

regional peace and security, China would be unequivocally against including the question of Myanmar in the agenda of the Council.¹⁰ The representative of Qatar also objected to the inclusion of the item, on the grounds that such inclusion could close the diplomatic channels opened by Myanmar with the relevant human rights mechanisms and with the Secretary-General.¹¹ The representative of the United States, citing his letter dated 1 September 2006 addressed to the President of the Council,¹² requested that the situation in Myanmar be included in the Council’s agenda and urged Council members to vote in support of the item.¹³

The President put the provisional agenda to a vote.¹⁴ The agenda was adopted by 10 votes to 4, with 1 abstention.

B. Consideration of effect of the inclusion of an item in the agenda

Case 3

At its 5663rd meeting, on 17 April 2007, the Council held an open debate on the item entitled “Letter dated 5 April 2007 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”.¹⁵ During the Council’s deliberations on the agenda item, several speakers questioned whether climate change was a security issue or not and whether the Council was the right forum to address the issue of the relationship between energy, security and climate. They argued that the ever-increasing encroachment of the Security Council on the roles and responsibilities of the other main organs of the United Nations represented a “distortion” of the principles and purposes of the Charter, infringed on the authority of the other bodies and compromised the rights of the Organization’s

⁶ S/PV.5237.

⁷ S/2005/485 and S/2005/489.

⁸ S/2006/742.

⁹ Not issued as a document of the Council.

¹⁰ S/PV.5526, pp. 2-3.

¹¹ *Ibid.*, p. 3.

¹² S/2006/742, annex.

¹³ S/PV.5526, pp. 3-4.

¹⁴ S/Agenda/5526.

¹⁵ S/2007/186.

wider membership.¹⁶ The representative of South Africa observed that the issues could be best dealt with in the General Assembly, and hoped that the discussion would not elevate the issue of climate change or the environment to a Security Council agenda item.¹⁷

C. Other discussions on the adoption of the agenda

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

While on most occasions the Council strictly discussed only the items on the agenda, on certain occasions it has found itself addressing other issues. Case 4 demonstrates an instance where speakers addressed situations or issues that were not on the agenda or that did not strictly fall under the scope of the item under consideration.

Case 4

At its 5494th meeting, on 24 July 2004, the Council considered the item entitled “Children and armed conflict”. The representative of the Democratic Republic of the Congo, indicating support for the monitoring and reporting mechanism set up in implementation of resolution 1312 (2005), expressed the view that the mechanism of “naming and shaming” should also cover all parties to a conflict who recruit and use child soldiers, regardless of whether that situation was on the Council’s agenda or not.¹⁸ At the same meeting, the representative of Canada noted that northern Uganda was a good example of a situation not on the Council’s agenda, but where there were grave abuses against children and civilians. He further urged the Council to include the situation in its agenda.¹⁹

At the 5573rd meeting, on 28 November 2006 on the same item, however, the representative of China observed that, in considering the issue of children and

armed conflict, the Council needed to draw a distinction between situations that were on its agenda and those that were not.²⁰ The representative of Sri Lanka noted that several aspects of the report of the Secretary-General relating to issues such as development and humanitarian access could be considered by the relevant bodies mandated to address those issues, so that the Council did not lose focus on its core issue of concern.²¹

2. Phrasing of agenda items

Case 5

Given the importance attached to the phrasing of agenda items, in a note by the President of the Security Council dated 18 April 2005,²² concerning formulation of the title of the agenda item for issues pertaining to Iraq, members of the Security Council announced the agreement reached as follows:

Issues relating to the return of all Kuwaiti property, the repatriation or return of all Kuwaiti and third-country nationals or their remains, and the United Nations Compensation Commission would be considered under the agenda item entitled “The situation between Iraq and Kuwait”. Other issues that did not fall under this category would be considered under the agenda item entitled “The situation concerning Iraq”.

By a note by the President of the Council dated 19 July 2006,²³ the members of the Council recalled the desirability, whenever possible, of using descriptive formulations of agenda items to avoid having a number of separate items on the same subject. It was further observed that, when such a descriptive formulation existed, consideration should be given to subsuming earlier items on the same subject under the descriptive formulation. During the period under review, the Council created several descriptive formulations of agenda items under which separate items on the same subject were subsumed. For example, as from 6 November 2007, four separate items dealing with regional organizations were subsumed under a single item entitled “The role of regional and subregional organizations in the maintenance of international peace and security”.²⁴ From then on, the items subsumed did

¹⁶ S/PV.5663, p.10 (Qatar); p. 13 (China); p.14 (Indonesia); pp. 15 -16 (South Africa); p. 24 (Pakistan); S/PV. 5663 (Resumption 1), p. 12 (Sudan); and p. 27 (Cuba). See also letter dated 12 April 2007 from the Permanent Representative of Cuba addressed to the President of the Security Council (on behalf of the Non-Aligned Movement) (S/2007/203).

¹⁷ S/PV.5663, pp. 16-17.

¹⁸ S/PV.5494, p. 9.

¹⁹ *Ibid.*, p. 30.

²⁰ S/PV.5573, p. 12.

²¹ S/PV.5573 (Resumption 1), p. 9.

²² S/2005/251.

²³ S/2006/507.

²⁴ The items subsumed were: “The Security Council and

not appear in the summary statement. For other such instances see the table in part III, section B.²⁵

regional organizations: facing the new challenges to international peace and security”, “Cooperation between the United Nations and regional organizations in stabilization processes”, “Cooperation between the United Nations and regional organizations in maintaining international peace and security” and “Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security”.

²⁵ See also S/2008/10.

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 on the adoption of the agenda.

Rule 11 provides for the Secretary-General to 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.²⁶ In previous volumes of the *Repertoire*, it was noted that items on the agenda of the Council had remained on the Secretary-General’s summary statement when the tenor of the Council’s discussion or its specific decisions revealed a continuing concern with the matter. Additional evidence supporting such retention was provided 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, an item was deleted from the list of matters of which the Security Council was seized when (a) no request for its

retention had been made by a Member State and the item had not been considered in formal meetings during the preceding five years; or (b) the Council had formally concluded its consideration of the item.

The table in section B below supplements the tables contained in the previous volumes of the *Repertoire* and indicates the changes that have since occurred in the list of matters of which the Council is seized.

Continuation of discussion of agenda items (rule 10)

There was no discussion concerning the application of rule 10 during the period under review. On many occasions, separate consecutive meetings were held on the same agenda item.²⁷ In other instances, the meeting was

²⁶ Pursuant to a note by the President of the Council dated 19 December 2007 (S/2007/749), beginning in January 2008, the references given for each item listed in the summary statement reflect the date of first consideration of the item at a formal meeting and the date of the most recent formal meeting held on that item.

²⁷ For example the 4952nd and 4953rd meetings, held on 27 April 2004, on the situation between Iraq and Kuwait; the 5238th and 5242nd meetings, held on 27 and 29 July 2005 respectively, on the situation in Georgia; the 5284th and 5285th meetings, held on 18 October 2005 on the question concerning Haiti; and the 5289th and 5290th meetings, held on 24 October 2005 on Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

suspended and resumed until the Council had completed that stage of its consideration of the item.²⁸

Retention and deletion of items from the summary statements by the Secretary-General of matters of which the Security Council is seized (rule 11)

Proceedings of the Security Council regarding the retention and deletion of items from the agenda

In the proceedings of the Security Council, items that have not been considered in the receding 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.²⁹ Forty-two 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. In letters dated 30 March 2006 and 22 May 2007, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People reiterated his continuing objection to the deletion of items that related to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East. He cautioned that any decision to delete those items would go beyond procedural exercise and would have far-reaching political implications.³⁰ The Council continued to be seized of the items in question.

Addition, retention and deletion of items from the Secretary-General's summary statements of matters of which the Security Council is seized

Section A indicates items added to the list of matters of which the Council was seized during the period under review; section B indicates items appearing on previous lists for which new action by the Security Council was reported in the summary statements during the period 2004-2007; and section C indicates items deleted from the list during that period.³¹ The tabulation shows that, during the period under review, the Council included 43 new items in the list of matters of which it was seized. The Council also took new action on 61 items appearing in previous list of the summary statements and deleted 42 items during the period under review.

²⁸ For example, the 4950th meeting on non-proliferation of weapons of mass destruction held on 22 April 2004 and resumed on 28 April 2004; the 4990th meeting on protection of civilians in armed conflict held on 14 June 2004 and resumed on 14 December 2004; the 4896th meeting on small arms held on 19 January 2004 and resumed on 17 February 2005; the 5066th meeting on women and peace and security held on 28 October 2004 and resumed on 27 October 2005; and the 5705th meeting on maintenance of international peace and security held on 25 June 2007 and resumed on 28 August 2007.

²⁹ The procedure was set out in the following notes by the President of Security Council: S/1996/603, S/1996/704, S/2006/507, dated 30 July 1996, 29 August 1996 and 19 July 2006 respectively.

³⁰ S/2006/208 and S/2007/305.

³¹ This information has been compiled from the following summary statements: S/2004/20 and Add.1-51; S/2005/15 and Add.1-51; S/2006/10 and Add.1-51; S/2007/10 and Add.1-51 and S/2008/10.

A. Items added to the list of matters of which the Security Council was seized during the period 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| Post-conflict national reconciliation: role of the United Nations | 4903rd meeting 26 January 2004 | S/2004/20/Add.4 5 March 2004 | President issued a statement (S/PRST/2004/2) 4903rd meeting 26 January 2004 |
| Cross-border issues in West Africa | 4933rd meeting 25 March 2004 | S/2004/20/Add.12 7 May 2004 | President issued a statement (S/PRST/2004/7) 4933rd meeting 25 March 2004 |
| The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943rd meeting 15 April 2004 | S/2004/20/Add.15 28 May 2004 | President extended invitations under rule 39 4943rd meeting 15 April 2004 |
| Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes | 4949th meeting 22 April 2004 | S/2004/20/Add.16 4 June 2004 | President issued a statement (S/PRST/2004/10) 4949th meeting 22 April 2004 |
| Non-proliferation of weapons of mass destruction | 4950th meeting 22 April 2004 | S/2004/20/Add.16 4 June 2004 | President extended an invitation under rule 39 to Mihnea Ioan Motoc, Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) 5097th meeting 9 December 2004 |
| United Nations peacekeeping operations ^a | 4970th meeting 17 May 2004 | S/2004/20/Add.20 2 July 2004 | President extended an invitation under rule 39 to the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel 5379th meeting 23 February 2006 |
| Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council | 4978th meeting 25 May 2004 | S/2004/20/Add.21 9 July 2004 | President issued a statement (S/PRST/2004/18) 4978th meeting 25 May 2004 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|---|
| Complex crises and United Nations response | 4980th meeting 28 May 2004 | S/2004/20/Add.21 9 July 2004 | President extended invitations under rule 39 to Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Marjatta Rasi, President of the Economic and Social Council 4980th meeting 28 May 2004 |
| Reports of the Secretary-General on the Sudan | 4988th meeting 11 June 2004 | S/2004/20/Add.23 23 July 2004 | President extended an invitation under rule 39 to Kieran Prendergast, Under-Secretary-General for Political Affairs 5094th meeting 7 December 2004 |
| Role of civil society in post-conflict peacebuilding | 4993rd meeting 22 June 2004 | S/2004/20/Add.25 6 August 2004 | President extended invitations under rule 39 to Marjatta Rasi, President of the Economic and Social Council; Denis Caillaux, Secretary-General of CARE International; and Ian Martin, Vice-President of the International Center for Transitional Justice 4993rd meeting 22 June 2004 |
| Cooperation between the United Nations and regional organizations in stabilization processes ^b | 5007th meeting 20 July 2004 | S/2004/20/Add.29 18 August 2004 | President issued a statement (S/PRST/2004/27) 5007th meeting 20 July 2004 |
| Civilian aspects of conflict management and peacebuilding | 5041st meeting 22 September 2004 | S/2004/20/Add.38 28 September 2004 | President issued a statement (S/PRST/2004/33) 5041st meeting 22 September 2004 |
| Security Council meetings in Nairobi (18-19 November 2004) ^c | 5063rd meeting 26 October 2004 | S/2004/20/Add.43 4 November 2004 | Adopted resolution 1569 (2004) 5063rd meeting 26 October 2004 |
| Institutional relationship with the African Union | 5084th meeting, 19 November 2004 | S/2004/20/Add.46 26 November 2004 | President issued a statement (S/PRST/2004/44) 5084th meeting 19 November 2004 |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|---|
| Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B | 5087th meeting 24 November 2004 | S/2004/20/Add.47 3 December 2004 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5087th meeting 24 November 2004 |
| Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B | 5088th meeting 24 November 2004 | S/2004/20/Add.47 3 December 2004 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5088th meeting 24 November 2004 |
| Post-conflict peacebuilding | 5187th meeting 26 May 2005 | S/2005/15/Add.20 31 May 2005 | Adopted resolution 1646 (2005) 5335th meeting 20 December 2005 |
| The situation concerning Iraq | 5189th meeting 31 May 2005 | S/2005/15/Add.21 7 June 2005 | Adopted resolution 1790 (2007) 5808th meeting 18 December 2007 |
| The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead | 5225th meeting 12 July 2005 | S/2005/15/Add.27 19 July 2005 | President issued a statement (S/PRST/2005/30) 5225th meeting 12 July 2005 |
| Letters dated 26 July 2005 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 | 5237th meeting 27 July 2005 | S/2005/15/Add.29 3 August 2005 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5237th meeting 27 July 2005 |
| Threats to international peace and security | 5261st meeting 14 September 2005 | S/2005/15/Add.36 20 September 2005 | Adopted resolution 1625 (2005) 5261st meeting 14 September 2005 |
| The role of civil society in conflict prevention and the pacific settlement of disputes | 5264th meeting 20 September 2005 | S/2005/15/Add.37 27 September 2005 | President issued a statement (S/PRST/2005/42) 5264th meeting 20 September 2005 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|--|
| Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265th meeting 21 September 2005 | S/2005/15/Add.37 27 September 2005 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5265th meeting 21 September 2005 |
| Cooperation between the United Nations and regional organizations in maintaining international peace and security ^d | 5282nd meeting 17 October 2005 | S/2005/15/Add.41 25 October 2005 | President issued a statement (S/PRST/2006/39) 5529th meeting 20 September 2006 |
| Non-proliferation | 5403rd meeting 29 March 2006 | S/2006/10/Add.12 7 April 2006 | Adopted resolution 1737 (2006) 5612th meeting 23 December 2006 |
| Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda ^e | 5415th meeting 19 April 2006 | S/2006/10/Add.15 28 April 2006 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5416th meeting 19 April 2006 |
| The situation in Chad and the Sudan | 5425th meeting 25 April 2006 | S/2006/10/Add.16 5 May 2006 | President issued a statement (S/PRST/2006/53) 5595th meeting 15 December 2006 |
| Briefing by the Chairman of the African Union | 5448th meeting 31 May 2006 | S/2006/10/Add.21 9 June 2006 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5449th meeting 31 May 2006 |
| Strengthening international law: rule of law and maintenance of international peace and security | 5474th meeting 22 June 2006 | S/2006/10/Add.24 30 June 2006 | President issued a statement (S/PRST/2006/28) 5474th meeting 22 June 2006 |
| Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council ^f | 5490th meeting 15 July 2006 | S/2006/10/Add.27 21 July 2006 | President issued a statement (S/PRST/2006/41) 5546th meeting 6 October 2006 |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|--|
| Peace consolidation in West Africa | 5509th meeting 9 August 2006 | S/2006/10/Add.31 18 August 2006 | President issued a statement (S/PRST/2006/38) 5509th meeting 9 August 2006 |
| The situation in Myanmar | 5526th meeting 15 September 2006 | S/2006/10/Add.36 22 September 2006 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5526th meeting 29 September 2006 |
| Non-proliferation/Democratic People's Republic of Korea | 5551st meeting 14 October 2006 | S/2006/10/Add.40 20 October 2006 | Adopted resolution 1718 (2006) 5551st meeting 14 October 2006 |
| Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council ^g | 5576th meeting 1 December 2006 | S/2006/10/Add.47 8 December 2006 | President issued a statement (S/PRST/2006/49) 5576th meeting 1 December 2006 |
| Tribute to the outgoing Secretary-General | 5607th meeting 22 December 2006 | S/2006/10/Add.50 28 December 2006 | Adopted resolution 1733 (2006) 5607th meeting 22 December 2006 |
| Maintenance of international peace and security: role of the Security Council in supporting security sector reform | 5632nd meeting 20 February 2007 | S/2007/10/Add.7 2 March 2007 | President issued a statement (S/PRST/2007/3) 5632nd meeting 20 February 2007 |
| Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security ^h | 5649th meeting 28 March 2007 | S/2007/10/Add.12 5 April 2007 | President issued a statement (S/PRST/2007/7) 5649th meeting 28 March 2007 |
| Letter dated 5 April 2007 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/2007/186) | 5663rd meeting 17 April 2007 | S/2007/10/Add.15 27 April 2007 | President extended invitations to the representatives of the Comoros and Mauritius 5663rd meeting 17 April 2007 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|---|
| Humanitarian situation in the Great Lakes region and the Horn of Africa ⁱ | 5677th meeting 21 May 2007 | S/2007/10/Add.20 1 June 2007 | President extended an invitation under rule 39 to John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator 5677th meeting 21 May 2007 |
| Maintenance of international peace and security | 5705th meeting 25 June 2007 | S/2007/10/Add.25 6 July 2007 | President issued a statement (S/PRST/2007/31) 5735th meeting 28 August 2007 |
| The situation in Chad, the Central African Republic and the subregion | 5734th meeting 27 August 2007 | S/2007/10/Add.34 7 September 2007 | Adopted resolution 1778 (2007) 5748th meeting 25 September 2007 |
| Peace and security in Africa ^j | 5749th meeting 25 September 2007 | S/2007/10/Add.38 5 October 2007 | President extended an invitation under rule 39 to Alpha Oumar Konaré, Chairperson of the African Union 5749th meeting 25 September 2007 |
| The role of regional and subregional organizations in the maintenance of international peace and security ^k | 5776th meeting 6 November 2007 | S/2007/10/Add.44 12 November 2007 | President issued a statement (S/PRST/2007/42) 5776th meeting 6 November 2007 |
| Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator ^l | 5792nd meeting 6 December 2007 | S/2007/10/Add.48 14 December 2007 | President extended an invitation under rule 39 to John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator 5792nd meeting 6 December 2007 |

^a As from the 4970th meeting, held on 17 May 2004, the items “Security Council Working Group on Peacekeeping Operations” and “United Nations peacekeeping” were subsumed under the present item.

^b As from the 5776th meeting, held on 6 November 2007, the present item was subsumed under the item “The role of regional and subregional organizations in the maintenance of international peace and security”.

^c This item was taken up by the Council at a single meeting, at which the Council also concluded its consideration of the item.

^d As from the 5776th meeting, held on 6 November 2007, the present item was subsumed under the item “The role of regional and subregional organizations in the maintenance of international peace and security”.

^e This item was taken up by the Council at two meetings, at which the Council also concluded its consideration of the item.

^f S/2006/481.

^g S/2006/920.

^h As from the 5776th meeting, held on 6 November 2007, the present item was subsumed under the item “The role of regional and subregional organizations in the maintenance of international peace and security”.

ⁱ As from the 5792nd meeting, held on 6 December 2007, the present item was subsumed under the item “Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator”.

^j As from the 5749th meeting, held on 25 September 2007, the item entitled “The situation in Africa” was subsumed under the present item.

^k As from the 5776th meeting, held on 6 November 2007, the items entitled “The Security Council and regional organizations: facing the new challenges to international peace and security”, “Cooperation between the United Nations and regional organizations in stabilization processes”, “Cooperation between the United Nations and regional organizations in maintaining international peace and security” and “Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security” were subsumed under the present item.

^l As from the 5792nd meeting, held on 6 December 2007, the item entitled “Humanitarian situation in the Great Lakes region and the Horn of Africa” was subsumed under the present item.

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 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|--|--|
| The situation in the Middle East | 1341st meeting 24 May 1967 | S/7913 29 May 1967 | President issued a statement 5802nd meeting 14 December 2007 |
| The situation in Cyprus | 1779th meeting 16 July 1974 | S/11185/Add.28 24 July 1974 | Adopted resolution 1789 (2007) 5803rd meeting 14 December 2007 |
| The situation concerning Western Sahara | 1849th meeting 20 October 1975 | S/11593/Add.42 29 October 1975 | Adopted resolution 1783 (2007) 5773rd meeting 31 October 2007 |
| The situation in Timor-Leste | 1864th meeting 15 December 1975 | S/11593/Add.50 23 December 1975 | President issued a statement (S/PRST/2007/33) 5740th meeting 10 September 2007 |
| The situation between Iraq and Kuwait | 2932nd meeting 2 August 1990 | S/21100/Add.30 10 August 1990 | President extended an invitation under rule 39 to Ashraf Jehangir Qazi, Special Representative of the Secretary-General for Iraq 5161st meeting 11 April 2005 |
| The situation in Liberia | 2974th meeting 22 January 1991 | S/22110/Add.3 and Corr. 1 1 and 5 February 1991 | Adopted resolution 1792 (2007) 5810th meeting 19 December 2007 |
| The situation in Somalia | 3060th meeting 17 March 1992 | S/23370/Add.11 27 March 1992 | President issued a statement (S/PRST/2007/49) 5812th meeting 19 December 2007 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|---|
| The situation in Bosnia and Herzegovina | 3113th meeting 9 September 1992 | S/23370/Add.36 14 September 1992 | Adopted resolution 1785 (2007) 5782nd meeting 21 November 2007 |
| The situation in Georgia | 3121st meeting 8 October 1992 | S/23370/Add.40 12 October 1992 | Adopted resolution 1781 (2007) 5759th meeting 15 October 2007 |
| The situation concerning Rwanda | 3183rd meeting 12 March 1993 | S/25070/Add.10 22 March 1993 | Adopted resolution 1749 (2007) 5650th meeting 28 March 2007 |
| The question concerning Haiti | 3238th meeting 16 June 1993 | S/25070/Add.24 6 July 1993 | Adopted resolution 1780 (2007) 5758th meeting 15 October 2007 |
| The situation in Burundi | 3297th meeting 25 October 1993 | S/25070/Add.43 4 November 1993 | Adopted resolution 1791 (2007) 5809th meeting 19 December 2007 |
| The situation in Afghanistan | 3330th meeting 24 January 1994 | S/1994/20/Add.3 3 February 1994 | President extended an invitation under rule 39 to Tom Koenigs, Special Representative of the Secretary-General for Afghanistan 5760th meeting 15 October 2007 |
| The situation in Sierra Leone | 3597th meeting 27 November 1995 | S/1995/40/Add.47 8 December 1995 | Adopted resolution 1793 (2007) 5813th meeting 21 December 2007 |
| 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 and 31 December 1994 | 3637th meeting 29 February 1996 | S/1996/15/Add.8 8 March 1996 | President extended invitations under rule 39 to the Presidents and the Prosecutors of the two Tribunals 5796th meeting 10 December 2007 |
| International Tribunal for the | 3663rd meeting | S/1996/15/Add.18 | Adopted resolution 1786 (2007) |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 | 8 May 1996 | 17 May 1996 | 5785th meeting 28 November 2007 |
| The situation in the Great Lakes region | 3708th meeting 1 November 1996 | S/1996/15/Add.43 8 November 1996 | President issued a statement (S/PRST/2007/44) 5783rd meeting 21 November 2007 |
| The situation concerning the Democratic Republic of the Congo | 3784th meeting 29 May 1997 | S/1997/40/Add.21 6 June 1997 | Adopted resolution 1794 (2007) 5814th meeting 21 December 2007 |
| The situation in the Central African Republic | 3808th meeting 6 August 1997 | S/1997/40/Add.31 15 August 1997 | President issued a statement (S/PRST/2006/47) 5572nd meeting 22 November 2006 |
| The situation in Africa ^a | 3819th meeting 25 September 1997 | S/1997/40/Add.38 3 October 1997 | President extended an invitation to Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator 5571st meeting 22 November 2006 |
| 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 | 3874th meeting 22 April 1998 | S/1998/44/Add.16 1 May 1998 | President extended an invitation under rule 39 to Danilo Türk, Assistant Secretary-General for Political Affairs 5222nd meeting 6 July 2005 |
| The situation between Eritrea and Ethiopia | 3895th meeting 26 June 1998 | S/1998/44/Add.25 2 July 1998 | President issued a statement (S/PRST/2007/43) 5778th meeting 13 November 2007 |
| Children and armed conflict | 3896th meeting 29 June 1998 | S/1998/44/Add.26 10 July 1998 | President issued a statement (S/PRST/2006/48) 5573rd meeting 28 November 2006 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</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 | 3908th meeting 15 July 1998 | S/1998/44/Add.28 24 July 1998 | Adopted resolution 1717 (2006) 5550th meeting 13 October 2006 |
| The situation in Guinea-Bissau | 3940th meeting 6 November 1998 | S/1998/44/Add.44 13 November 1998 | President issued a statement (S/PRST/2007/38) 5762nd meeting 19 October 2007 |
| Protection of civilians in armed conflict | 3977th meeting 12 February 1999 | S/1999/25/Add.5 19 February 1999 | President extended invitations under rule 39 to John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; and the Director-General of the International Committee of the Red Cross 5781st meeting 20 November 2007 |
| Small arms | 4048th meeting 24 September 1999 | S/1999/25/Add.37 1 October 1999 | President issued a statement (S/PRST/2007/24) 5709th meeting 29 June 2007 |
| Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 4061st meeting 5 November 1999 | S/1999/25/Add.43 12 November 1999 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5811th meeting 19 December 2007 |
| General issues relating to sanctions | 4128th meeting 17 April 2000 | S/2000/40/Add.15 23 May 2000 | Adopted resolution 1732 (2006) 5605th meeting 21 December 2006 |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|--|
| 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 | President issued a statement (S/PRST/2005/33) 5228th meeting 18 July 2005 |
| The situation in the Middle East, including the Palestinian question | 4204th meeting 3 October 2000 | S/2000/40/Add.39 13 October 2000 | President extended an invitation under rule 39 to B. Lynn Pascoe, Under-Secretary-General for Political Affairs. 5815th meeting 21 December 2007 |
| Women and peace and security | 4208th meeting 24 October 2000 | S/2000/40/Add.42 3 November 2000 | President issued a statement (S/PRST/2007/40) 5766th meeting 23 October 2007 |
| Briefing by the President of the International Court of Justice | 4212th meeting 31 October 2000 | S/2000/40/Add.43 10 November 2000 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5775th meeting 2 November 2007 |
| Briefing by the 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 | President extended an invitation under rule 39 to Miguel Ángel Moratinos Cuyaubé, Chairman-in-Office of the Organization for Security and Cooperation in Europe and Minister for Foreign Affairs and Cooperation of Spain 5751st meeting 28 September 2007 |
| 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 | President extended invitations to the representatives of Cuba, Egypt, the Gambia, Indonesia, Luxembourg, Morocco, Pakistan, Rwanda, Somalia and Tunisia 5156th meeting 30 March 2005 |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| 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 | 4369th meeting 10 September 2001 | S/2001/15/Add.37 21 September 2001 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5536th meeting 26 September 2006 |
| Threats to international peace and security caused by terrorist acts ^b | 4370th meeting 12 September 2001 | S/2001/15/Add.37 21 September 2001 | President issued a statement (S/PRST/2007/50) 5816th meeting 27 December 2007 |
| 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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5333rd meeting 20 December 2005 |
| Meeting of the Security Council with the troop-contributing countries to the United Nations 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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5537th meeting 27 September 2006 |
| 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, section A | 4397th meeting 25 October 2001 | S/2001/15/Add.43 2 November 2001 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5179th meeting 16 May 2005 |
| 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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5587th meeting 13 December 2006 |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5553rd meeting 25 October 2006 |
| 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, section A | 4435th meeting 7 December 2001 | S/2001/15/Add.49 14 December 2001 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5582nd meeting 8 December 2006 |
| 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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5495th meeting 25 July 2006 |
| 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, section A | 4457th meeting 24 January 2002 | S/2002/30/Add.3 26 March 2002 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5544th meeting 6 October 2006 |
| Briefing by the United Nations High Commissioner for Refugees ^c | 4470th meeting 7 February 2002 | S/2002/30/Add.5 1 April 2002 | President extended an invitation under rule 39 to the United Nations High Commissioner for Refugees 5353rd meeting 24 January 2006 |
| Africa's food crisis as a threat to peace and security | 4652nd meeting 3 December 2002 | S/2002/30/Add.48 13 December 2002 | President extended an invitation under rule 39 to James Morris, Executive Director of the World Food Programme 5220th meeting 30 June 2005 |
| The situation in Côte d'Ivoire | 4680th meeting 20 December 2002 | S/2002/30/Add.50 27 December 2002 | Adopted resolution 1782 (2007) 5772nd meeting 29 October 2007 |
| Security Council mission | 4775th meeting 18 June 2003 | S/2003/40/Add.24 27 June 2003 | President extended invitations to representatives of Australia, |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| | | | Japan, New Zealand, the Philippines, Portugal and Timor-Leste 5801st meeting 13 December 2007 |
| Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B ^d | 4825th meeting 15 September 2003 | S/2003/40/Add.37 26 September 2003 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5258th meeting 12 September 2005 |
| Justice and the rule of law: the United Nations role | 4833rd meeting 24 September 2003 | S/2003/40/Add.38 3 October 2003 | President issued a statement (S/PRST/2004/34) 5052nd meeting 6 October 2004 |
| 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 ^e | 4854th meeting 7 November 2003 | S/2003/40/Add.44 14 November 2003 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5585th meeting 12 December 2006 |
| Briefings by Chairmen of subsidiary bodies of the Security Council ^f | 4888th meeting 22 December 2003 | S/2003/40/Add.51 2 January 2004 | Council resumed consideration of the item 5806th meeting 17 December 2007 |
| Admission of new Members | | | |
| Admission of new Members | 5471st meeting 21 June 2006 | S/2006/10/Add.24 30 June 2006 | President issued a statement (S/PRST/2006/27) 5473rd meeting 22 June 2006 |
| International Court of Justice | | | |
| Date of election to fill a vacancy in the International Court of Justice (S/2004/830) | 5070th meeting 4 November 2004 | S/2004/20/Add.44 11 November 2004 | Adopted resolution 1571 (2004) 5070th meeting 4 November 2004 |
| Election of a member of the International Court of Justice | 5121st meeting 15 February 2005 | S/2005/15/Add.6 16 March 2005 | Recommended one candidate to fill vacancy 5121st meeting 15 February 2005 |
| Election of five members of the International Court of Justice | 5299th meeting 7 November 2005 | S/2005/15/Add.44 15 November 2005 | Recommended five candidates to fill vacancy 5299th meeting |

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| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|---|
| | | | 7 November 2005 |
| Consideration of the draft report of the Security Council to the General Assembly | | | |
| Consideration of the draft report covering the period 1 August 2003-31 July 2004 | 5044th meeting 28 September 2004 | S/2004/20/Add.39 6 October 2004 | Adopted draft report 5044th meeting 28 September 2004 |
| Consideration of the draft report covering the period 1 August 2004-31 July 2005 | 5262nd meeting 19 September 2005 | S/2005/15/Add.37 27 September 2005 | Adopted draft report 5262nd meeting 19 September 2005 |
| Consideration of the draft report covering the period 1 August 2005-31 July 2006 | 5578th meeting 6 December 2006 | S/2006/10/Add.48 15 December 2006 | Adopted draft report 5578th meeting 6 December 2006 |
| Consideration of the draft report covering the period 1 August 2006-31 July 2007 | 5769th meeting 25 October 2007 | S/2007/10/Add.42 2 November 2007 | Adopted draft report 5769th meeting 25 October 2007 |

^a As from the 5749th meeting, held on 25 September 2007, the item was subsumed under the item "Peace and security in Africa".

^b Briefings by the Chairmen of the Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004), which had been held separately under the item entitled "Threats to international peace and security caused by terrorist acts" were held for the first time jointly under the agenda item "Briefings by Chairmen of subsidiary bodies of the Security Council".

^c As from the 4973rd meeting, held on 20 May 2004, the wording of the item "Briefing by Mr. Ruud Lubbers, United Nations High Commissioner for Refugees" was revised to read "Briefing by the United Nations High Commissioner for Refugees".

^d As from the 5034th (private) meeting, held on 15 September 2004, the wording of the item "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" was revised to read "Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B".

^e Pursuant to resolution 1528 (2004), the United Nations Mission in Côte d'Ivoire was replaced by the United Nations Operation in Côte d'Ivoire as from 4 April 2004.

^f As from the 5168th meeting, held on 25 April 2005, the wording of the item "Briefing by Chairmen of Security Council committees and working groups" was revised to read "Briefings by Chairmen of subsidiary bodies of the Security Council".

C. Items that were deleted from the list of matters of which the Security Council was seized during the period 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| Letter dated 19 February 1983 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council | 2415th meeting 22 February 1983 | S/15560/Add.8 3 March 1983 | President extended an invitation under rule 39 to Mr. Ike F. Mafole 2418th meeting 23 February 1983 |
| Letter dated 8 August 1983 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council | 2464th meeting 11 August 1983 | S/15560/Add.32 18 August 1983 | President extended invitations to representatives of Czechoslovakia, Egypt, the German Democratic Republic and India 2468th meeting 16 August 1983 |
| Letter dated 22 March 1984 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council | 2522nd meeting 28 March 1984 | S/16270/Add.12 4 April 1984 | President extended invitations to representatives of Cuba and Hungary 2526th meeting 2 April 1984 |
| Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council; | 2835th meeting 5 January 1989 | S/20370/Add.1 25 January 1989 | Failed to adopt draft resolution (S/20378) 2841st meeting 11 January 1989 |
| Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of Bahrain to the United Nations addressed to the President of the Security Council | | | |
| 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 |

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| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|---|
| The situation in Tajikistan and along the Tajik-Afghan border | 3266th meeting 23 August 1993 | S/25070/Add.34 3 September 1993 | President issued a statement (S/PRST/2000/17) 4141st meeting 12 May 2000 |
| Protection for humanitarian assistance to refugees and others in conflict situations | 3778th meeting 21 May 1997 | S/1997/40/Add.20 30 May 1997 | President extended an invitation under rule 39 to the United Nations High Commissioner for Refugees 3942nd meeting 10 November 1998 |
| Letter dated 11 March 1998 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council; Letter dated 27 March 1998 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council | 3868th meeting 31 March 1998 | S/1998/44/Add.13 9 April 1998 | President issued a statement (S/PRST/1999/5) 3974th meeting 29 January 1999 |
| 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 issued a statement (S/PRST/2000/38) 4243rd meeting 6 December 2000 |
| Letter dated 29 June 1998 from the Secretary-General addressed to the President of the Security Council; Letter dated 25 June 1998 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General; | 3903rd meeting 13 July 1998 | S/1998/44/Add.28 24 July 1998 | President issued a statement (S/PRST/1998/20) 3903rd meeting 13 July 1998 |
| Letter dated 25 June 1998 from the Permanent Representative of Rwanda to the United Nations addressed to the Secretary-General | | | |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|--|
| Threats to peace and security caused by international terrorist acts | 3915th meeting 13 August 1998 | S/1998/44/Add.32 21 August 1998 | Adopted resolution 1189 (1998) 3915th meeting 13 August 1998 |
| Maintenance of peace and security and post-conflict peacebuilding | 3954th meeting 16 December 1998 | S/1998/44/Add.50 24 December 1998 | President issued a statement (S/PRST/2000/10) 4119th meeting 23 March 2000 |
| Promoting peace and security: humanitarian activities relevant to the Security Council | 3968th meeting 21 January 1999 | S/1999/25/Add.2 29 January 1999 | President extended an invitation under rule 39 to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator 3968th meeting 21 January 1999 |
| Letter dated 24 March 1999 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council | 3988th meeting 24 March 1999 | S/1999/25/Add.11 1 April 1999 | Failed to adopt draft resolution (S/1999/328) 3989th meeting 26 March 1999 |
| Letter dated 7 May 1999 from the Permanent Representative of China to the United Nations addressed to the President of the Security Council | 4000th meeting 8 May 1999 | S/1999/25/Add.17 14 May 1999 | President extended an invitation to Vladislav Jovanovic 4000th meeting 8 May 1999 |
| Security Council resolutions 1160 (1998), 1199 (1998) and 1203 (1998) | 4003rd meeting 14 May 1999 | S/1999/25/Add.18 21 May 1999 | Adopted resolution 1239 (1999) 4003rd meeting 14 May 1999 |
| Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998) and 1239 (1999) | 4011th meeting 10 June 1999 | S/1999/25/Add.22 18 June 1999 | Adopted resolution 1244 (1999) 4011th meeting 10 June 1999 |
| Promoting peace and security: humanitarian assistance to refugees in Africa | 4025th meeting 26 July 1999 | S/1999/25/Add.29 6 August 1999 | President issued a statement (S/PRST/2000/1) 4089th meeting 13 January 2000 |
| Role of the Security Council in the prevention of armed conflicts | 4072nd meeting 29 November 1999 | S/1999/25/Add.47 10 December 1999 | Adopted resolution 1366 (2001) 4360th meeting 30 August 2001 |
| 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 | Failed to adopt proposal by the United States 4164th meeting 23 June 2000 |
| Maintaining peace and security: | 4109th meeting | S/2000/40/Add.9 | President issued a statement |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|--|--------------------------------------|---|--|
| humanitarian aspects of issues before the Security Council | 9 March 2000 | 19 April 2000 | (S/PRST/2000/7) 4110th meeting 9 March 2000 |
| 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 issued a statement (S/PRST/2001/10) 4302nd meeting 22 March 2001 |
| Briefing by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees | 4219th meeting 10 November 2000 | S/2000/40/Add.44 17 November 2000 | President extended an invitation under rule 39 to the United Nations High Commissioner for Refugees 4219th meeting 10 November 2000 |
| 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 13 November 2000 |
| No exit without strategy | 4223rd meeting 15 November 2000 | S/2000/40/Add.45 24 November 2000 | President extended invitations to representatives of Australia, Austria, Belarus, Croatia, Denmark, Egypt, Finland, Germany, India, Indonesia, Ireland, Italy, Norway, Pakistan, the Philippines, Portugal, Rwanda, Singapore, Slovakia, South Africa and Thailand without the right to vote 4223rd meeting 15 November 2000 |
| 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 | 4224th meeting 16 November 2000 | S/2000/40/Add.45 24 November 2000 | President issued a statement (S/PRST/2000/33) 4224th meeting 16 November 2000 |
| Briefing by the Secretary-General | 4226th meeting 17 November 2000 | S/2000/40/Add.45 24 November 2000 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 4226th meeting 17 November 2000 |
| The situation in Guinea following recent attacks along its borders with Liberia and | 4252nd meeting 21 December 2000 | S/2000/40/Add.50 29 December 2000 | President issued a statement (S/PRST/2000/41) 4252nd meeting |

| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</i> |
|---|--------------------------------------|---|---|
| Sierra Leone | | | 21 December 2000 |
| 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 |
| Peacebuilding: towards a comprehensive approach | 4272nd meeting 5 February 2001 | S/2001/15/Add.6 4 April 2001 | President issued 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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 4276th meeting 12 February 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 | 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 | President extended an invitation under rule 39 to the United Nations High Commissioner for Refugees 4291st meeting 8 March 2001 |
| 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 | President extended an invitation under rule 39 to Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations; the Assistant Secretary-General for Political Affairs; and the Deputy Emergency Relief Coordinator 4319th meeting 14 May 2001 |
| 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 | Council considered the item in accordance with understanding reached in its prior consultations 4343rd meeting 29 June 2001 |
| 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 10 September 2001 |

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| <i>Item</i> | <i>First inclusion in the agenda</i> | <i>First entry in summary statement</i> | <i>Last action of the Council as at 31 December 2007</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 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 4373rd meeting 17 September 2001 |
| 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 28 September 2001 |
| Nobel Peace Prize | 4390th meeting 12 October 2001 | S/2001/15/Add.41 19 December 2001 | President issued a statement (S/PRST/2001/28) 4390th meeting 12 October 2001 |
| Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council | 4439th meeting 18 December 2001 | S/2001/15/Add.51 28 December 2001 | President issued a statement (S/PRST/2001/38) 4440th meeting 19 December 2001 |
| Security Council meetings in Nairobi (18-19 November 2004) | 5063rd meeting 26 October 2004 | S/2004/20/Add.43 4 November 2004 | Adopted resolution 1569 (2004) 5063rd meeting 26 October 2004 |
| Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda | 5415th meeting 19 April 2006 | S/2006/10/Add.15 28 April 2006 | Communiqué issued under rule 55 of the Council's provisional rules of procedure 5416th meeting 19 April 2006 |

Chapter III

Participation in the proceedings of the Security Council

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Introductory note

This chapter deals with the Security Council's practice in extending invitations to participate in its proceedings. 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 relation to Article 32 (instance (b) above) does the Security Council have an obligation to extend an invitation.

During the period under review, the Council 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. Invitations to participate in meetings of the 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 the annexes to this chapter reflects this practice.

There was no debate or vote taken at a formal meeting on whether an invitation should be extended but complaints at lack of invitations were made both in discussion at formal meetings and in letters addressed to the President of the Security Council or the Secretary-General. This is covered in part I, section D, "Requests for invitations denied or not acted upon" (cases 1-6).

Part II, on procedures relating to the participation of invited representatives, includes a case (case 7) concerning the stage at which invited representatives were allowed to speak and two cases (cases 8 and 9) concerning the limitations imposed on participation.

The Council elucidated some of its practices regarding invitations in a note by the President of 19 July 2006.¹ These included the order in which non-members may speak, agreement on expansion of consultation with regional and subregional organizations, including through invitations to participate in public and private meetings, and encouragement of appropriate attendance at meetings with troop-contributing countries in accordance with Security Council resolution 1353 (2001).

¹ S/2006/507, paras. 29-31.

Part I

Basis of invitations to participate

Note

The practice of the Security Council 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 which were 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 lists invitations extended under rule 37.

Section B deals with 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 lists invitations extended under rule 39.

Section C concerns those invitations that were not expressly extended under either rule 37 or rule 39, and section D concerns requests for invitations denied or not acted upon.

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

During the period under consideration, States Members of the United Nations 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 citation of specific Articles of the Charter. 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 States

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 a specific 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 A list of invitations issued under rule 37 is contained in annex I to this chapter. For ease of reference, invitations have been grouped according to agenda items.

² A representative of a Member State, invited under rule 37, spoke on behalf of another entity at the following meetings: for the Caribbean Community, 4917th and 5178th; for the Central American Integration System, 4921st and 4962nd; for the Collective Security Treaty Organization, 5006th; for the Economic Community of West African States, S/PV.5005; for the European Union: 4892nd, 4896th, 4898th (resumption 1), 4899th, 4903rd (resumption 1), 4910th, 4911th, 4913th, 4917th, 4920th, 4921st, 4928th, 4929th, 4933rd, 4941st, 4942nd, 4945th, 4950th, 4965th, 4967th, 4970th (resumption 1), 4976th, 4990th, 4993rd (resumption 1), 5006th, 5017th, 5024th, 5025th, 5031st, 5049th, 5052nd (resumption 1), 5059th, 5066th, 5075th, 5076th, 5082nd, 5089th, 5096th, 5100th (resumption 1), 5113th, 5127th, 5129th (resumption 1), 5130th, 5131st, 5132nd, 5147th, 5156th, 5168th, 5178th, 5180th, 5187th, 5188th, 5209th, 5351st, 5373rd, 5390th, 5397th (resumption 1), 5404th, 5411th, 5412th, 5432nd, 5434th, 5446th, 5457th, 5470th, 5474th, 5476th, 5478th, 5481st, 5482nd, 5493rd (resumption 1), 5494th, 5509th (resumption 1), 5512th, 5515th, 5522nd, 5529th, 5530th, 5538th, 5552nd, 5556th, 5563rd, 5564th, 5568th, 5573rd, 5577th (resumption 1), 5581st, 5588th, 5603rd, 5627th, 5628th, 5629th, 5632nd (resumption 1), 5635th, 5649th (resumption 1), 5663rd, 5675th, 5679th, 5690th, 5703rd, 5705th, 5736th, 5760th, 5766th, 5799th, 5781st (resumption 1), 5801st and 5805th; for the Pacific Islands Forum Group, 4921st and 4962nd; and for the Rio Group, 4921st (resumption 1) and 5390th.

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

The Security Council continued its relatively recent practice of inviting individuals under rule 39 to participate in its proceedings and to brief it on issues under consideration. During the period from 2004 to 2007, the Council issued approximately 620 invitations under rule 39, compared to approximately 450 during the period from 2000 to 2003. During the immediately preceding four-year period, 1996 to 1999, the Council issued 50 invitations under rule 39.

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”.

A list of invitations issued under rule 39 is contained in annex II to this chapter. For ease of reference only, invitations have been grouped into the following four categories:

- A. United Nations (representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies);
- B. United Nations (other organs, funds, programmes and agencies);
- C. Regional and other intergovernmental organizations;
- D. Other invitees.

Some general aspects of the Council’s practice under rule 39 may be noted. Invitations to representatives of United Nations organs and subsidiary bodies were extended 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 organization

concerned, 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 the note by the President of 19 July 2006, the members of the Council agreed on continued expansion of consultation with regional and subregional organizations, including by inviting relevant organizations to participate in the Council’s public and private meetings, when appropriate.³

Following past practice, invitations were sometimes extended to representatives of Member States under rule 39, but only if their participation was in a role other than that of representative of their State. These included invitations to members of the Council in their capacity as heads of Security Council missions and Chairpersons of Security Council subsidiary bodies.

During the period 2004 to 2007, roughly three quarters of invitations under rule 39 were issued to persons connected with the United Nations (sections A and B of annex II), and one quarter to other invitees (sections C and D).

During the period under review, the following organizations received invitations to attend formal meetings of the Council for the first time.

(a) United Nations-related bodies:⁴ International Criminal Court, United Nations Population Fund;

(b) Regional and other intergovernmental organizations: Collective Security Treaty Organization, Commonwealth of Independent States, Council of Europe, World Customs Organization;

(c) Other invitees: African Centre for the Constructive Resolution of Disputes, CARE International, Columbia University, the Commonwealth Secretariat, Dusirehamwe Association, European Centre for Conflict Prevention, the President-elect of Haiti, International Center for Transitional Justice,

³ S/2006/507, para. 30.

⁴ This category does not include the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies, which are covered in section A of annex II.

Network of African Women for Peace, NGO Working Group on Women, Peace and Security, Rede Feto, Save the Children, Mr. Fatmir Sejdiu, Siemens, Special Court for Sierra Leone, Sudan People's Liberation Movement/Army, Watchlist on Children and Armed Conflict, Women International, and Women's Network for the Protection of Human Rights and Peace.

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

During the period under review, the Council extended invitations not expressly under rule 37 or rule 39. Following past practice, the observer of Palestine was invited by the President to participate in meetings, with the consent of the Council, in accordance with the provisional rules of procedure and "the previous practice in this regard".⁵

When the Council held meetings with countries contributing troops to various missions in accordance with resolution 1353 (2001), invitations were extended by a prior letter from the President.⁶ In a note by the President of 19 July 2006, it was emphasized that, "In order to further encourage substantive discussions with troop-contributing countries, in accordance with Security Council resolution 1353 (2001), the members of the Security Council encourage the attendance of appropriate military and political officers from each participating mission."⁷

⁵ The observer of Palestine was invited 25 times to participate in meetings held under the item "The situation in the Middle East, including the Palestinian question" (4929th, 4934th, 4945th, 4972nd, 5049th, 5051st, 5052nd, 5230th, 5404th, 5411th, 5474th, 5481st, 5488th, 5493rd, 5494th, 5515th, 5530th, 5552nd, 5564th and resumption 1, 5565th, 5568th, 5584th, 5629th, 5667th and 5736th meetings). It was also invited to participate when the Council met under the items "The situation in the Middle East" (5583rd meeting); "Justice and the rule of law: the United Nations role" (5052nd meeting); "Strengthening international law: rule of law and maintenance of international peace and security" (5474th meeting); and "Children and armed conflict" (5494th meeting).

⁶ See chapter I for more information on meetings with troop-contributing countries and *Repertoire, Supplement 2000-2003*, chaps. I and III, for information on the genesis of this type of meeting.

⁷ S/2006/507, para. 31.

Further to the practice of allowing newly elected members of the Council to attend informal consultations of the Council for the period of one month immediately preceding their term of membership and formal meetings of its subsidiary bodies,⁸ the Council, in a note by the President of 2 December 2004, decided that newly elected members of the Council would also be invited to attend informal meetings of the subsidiary bodies of the Council.⁹

D. Requests for invitations denied or not acted upon

During the period under review, there was no instance in which a request for an invitation to participate in a meeting of the Security Council was denied at a formal meeting. However, as indicated in letters from Member States regretting the lack of invitations to participate, requests may have been denied during informal consultations of the whole or otherwise outside of formal meetings.¹⁰ These complaints are covered in cases 1 to 6 below.

Case 1

In a letter dated 28 July 2005 addressed to the Secretary-General and the President of the General Assembly,¹¹ the representative of Azerbaijan regretted that at the 5238th (closed) meeting of the Council, held on 27 July 2005 to consider "The situation in Georgia", the delegation of Azerbaijan had not been invited to participate in the consideration of the item, in accordance with its request, the relevant provisions of the Charter and rule 37 of the provisional rules of procedure. Two invitations under rule 37, and a third

⁸ See *Repertoire, Supplement 2000-2003*, chap. III, for more information on the practice of inviting newly elected members of the Council to informal meetings of the Council and to formal meetings of its subsidiary bodies. See also the notes by the President of 28 February 2000 (S/2000/155) and 22 November 2002 (S/2002/1276).

⁹ S/2004/939.

¹⁰ Following past practice, initial requests by Member States to participate in meetings of the Council were not usually circulated as documents of the Security Council, since these requests may be made in a variety of ways, including orally. However, the Council continued its practice of issuing requests to participate by the observer of Palestine.

¹¹ S/2005/496.

under rule 39 to the briefer, had been extended at that meeting.¹²

Case 2

By a letter dated 4 April 2006 addressed to the Secretary-General, the representative of Cuba transmitted his country's views on the current situation in the Middle East, including the Palestinian question, because "at the public meeting of the Security Council held on 30 March, the right to speak of States which are not members of the Security Council was restricted arbitrarily".¹³

At the 5404th meeting, held on 30 March 2006, several invitations were issued under rules 37 and 39, and those invited to participate were called upon to make statements.¹⁴ There was no discussion during the meeting of a request by the representative of Cuba to participate.

Case 3

In a letter dated 14 July 2006,¹⁵ the representative of the Syrian Arab Republic deeply regretted that at the 5489th meeting, held to consider "The situation in the Middle East", the President of the Security Council had not observed rule 37 of the provisional rules of procedure and had denied the right of the Syrian Arab Republic delegation to speak as a concerned party. The representative also referred to his letter of 13 July 2006

in which he had requested to participate and speak at that meeting.¹⁶

In a letter dated 14 July 2006 responding to the representative of the Syrian Arab Republic,¹⁷ the President of the Security Council noted that the modalities of the public meeting on the Middle East had been decided by the Council at its consultations held on 13 July. The President had brought to the attention of the members of the Council the requests made by three delegations, including the Syrian Arab Republic, to participate in that meeting. No member of the Council had wished the modalities of the meeting to be modified and the meeting was therefore held in accordance with the modalities initially decided upon, and no invitation to participate was issued to the Syrian Arab Republic.

At the 5489th meeting, held in relation to a request by the representative of Lebanon, several invitations under rules 37 and 39 were issued; there was no mention of a request to participate by the Syrian Arab Republic.

Case 4

In a letter dated 31 July 2006 addressed to the President of the Security Council, the representative of the Islamic Republic of Iran, among other matters, recalled his previous request to speak before the Council when it adopted its statement by the President on the item "Non-proliferation" at the 5403rd meeting¹⁸ held on 29 March 2006. The representative regretted that the Council had adopted a presidential statement without allowing the views of the concerned party to be heard. No invitations had been issued at the 5403rd meeting.

Case 5

In a letter dated 25 January 2007 addressed to the President of the Security Council,¹⁹ the representative of Cuba, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, recalled the formal request of the Non-Aligned Movement to participate in the briefing on the situation in the Middle East held on that day.²⁰ He stated that the Non-Aligned

¹² See S/PV.5238. Invitations under rule 37 were issued to Georgia and Germany. An invitation under rule 39 was issued to Ms. Heidi Tagliavini, Special Representative of the Secretary-General for Georgia and Head of the United Nations Observer Mission in Georgia.

¹³ See S/2006/209. The meeting referred to in the letter was the 5404th meeting, held on 30 March 2006 to discuss "The situation in the Middle East, including the Palestinian question".

¹⁴ S/PV.5404, p. 2. Invitations under rule 37 were issued to the representatives of Austria, Israel, Lebanon, Malaysia, the Syrian Arab Republic, the United Arab Emirates and Yemen. Invitations under rule 39 were issued to the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to the Assistant Secretary-General for Political Affairs. An invitation to the observer of Palestine was issued "in accordance with the rules of procedure and the previous practice in this regard".

¹⁵ S/2006/526.

¹⁶ Not issued as a document of the Security Council.

¹⁷ S/2006/534.

¹⁸ S/2006/603, annex.

¹⁹ S/2007/49.

²⁰ 5624th meeting. Other than to the briefer, the Under-Secretary-General, Ibrahim Gambari, no invitations were

Movement would highly appreciate it if in the future such meetings were open to the participation of all Member States in a manner that could further enrich the debate. The representative requested the distribution of his letter, and the annex which contained the position of the Non-Aligned Movement on the Middle East, including the question of Palestine, as a document of the Security Council.

In a letter dated 25 April 2007 addressed to the President of the Security Council,²¹ the representative of Cuba, on behalf of the Non-Aligned Movement, protested against the denial of a request to participate in the 5667th meeting, held on 25 April 2007.²² The agenda item for the meeting was “The situation in the Middle East, including the Palestinian question”, and the representative of Cuba pointed out that the Non-Aligned Movement consisted of 118 States Members of the United Nations, including the overwhelming majority of the States in the Middle East. The representative requested that his letter and its annex, which contained the statement Cuba had planned to deliver on behalf of the Non-Aligned Movement, be distributed as a document of the Security Council.

At the 5667th meeting, the representatives of Israel, Lebanon and the Syrian Arab Republic, and the observer of Palestine, had been invited to participate.

Case 6

At the 5761st meeting, held on 17 October 2007 to consider “Post-conflict peacebuilding”, several members of the Council regretted the non-issuance of invitations. The representative of Italy expressed his “strong disappointment at not being able to listen to the voice of the European Union — that is to say, the voice of the most important donor in the field — and the voice of Jamaica as the Non-Aligned Movement coordinator, because the Non-Aligned Movement has a very special take and specific interest” on the issue under discussion.²³ The representative of France agreed: “Like our Italian colleague, we regret that it has not been possible for the European Union and other important speakers to participate in this debate.”²⁴

The representative of Slovakia shared the disappointment expressed by the representative of Italy that agreement was not reached on allowing other important Member States to speak in the debate — in particular, Portugal, on behalf of the presidency of the European Union; El Salvador, as Vice-Chair of the Peacebuilding Commission and Chair of the Working Group on Lessons Learned; and Jamaica, as coordinator of the Non-Aligned Movement.²⁵

The representative of Panama shared the opinion that it would have been preferable to allow all persons directly linked or interested in the work of the Peacebuilding Commission to speak.²⁶

In a letter dated 17 October 2007 addressed to the President of the Security Council,²⁷ the representative of Portugal regretted that the presidency of the European Union had not been allowed to participate in the debate on the report of the Peacebuilding Commission in accordance with the request previously submitted.²⁸ He also requested that the letter and its annex, which contained the position of the European Union on the report of the Peacebuilding Commission, be circulated as a document of the Security Council.

²⁵ *Ibid.*, p. 15.

²⁶ *Ibid.*, p. 17.

²⁷ S/2007/618.

²⁸ The Council considered the report of the Peacebuilding Commission on its first session at its 5761st meeting, under the item “Post-conflict peacebuilding”. The representatives of Burundi, El Salvador, the Netherlands, Norway and Sierra Leone were cited as having requested an invitation to participate, and were issued invitations under rule 37. An invitation under rule 39 was issued to Mr. Yukio Takasu, Chairman of the Peacebuilding Commission.

issued and no requests for invitations were mentioned.

²¹ S/2007/230.

²² The representative also called for reform of the Council’s working methods. See chapter I.

²³ S/PV.5761, p. 10.

²⁴ *Ibid.*, p. 12.

Part II

Procedures relating to participation

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. It includes clarification contained in a note by the President²⁹ on the stage at which non-members may speak, as well as one case (case 7) in which several representatives regretted that they had not been allowed to speak before the adoption of a resolution.

Section B concerns limitations on participation. It includes two cases (cases 8 and 9) in which representatives who had been invited to participate under rule 37 regretted that they had not been given the opportunity to make a statement.

A. Stage at which those invited to participate are heard

Although the provisional rules of procedure do not specify that members of the Security Council should speak before non-members, the practice has been that they most often do so.³⁰ In a note by the President of 19 July 2006, the Council clarified that “when non-members are invited to speak to the Council, those who have a direct interest in the outcome of the matter under consideration may speak prior to Council members, if appropriate”.³¹

The case below concerns non-members who wished to speak prior to the adoption of a resolution and were unable to do so.

Case 7

At the 5059th meeting, held on 19 October 2004 to consider “Threats to international peace and security caused by terrorist acts”, two representatives invited under rule 37 expressed regret at not having been able

²⁹ S/2006/507, para. 29.

³⁰ Rule 27 states: “The President shall call upon representatives in the order in which they signify their desire to speak.” It does not explicitly make a distinction between members and non-members.

³¹ S/2006/507, para. 29.

to address the Council before the adoption of resolution 1566 (2004). The representative of Liechtenstein stated, “We regret that the wider United Nations membership was not given an opportunity to express its views on the draft of that resolution given its important implications for our common fight against terrorism worldwide. We therefore take this opportunity to express our views after that draft resolution’s adoption.”³² The representative of Switzerland reiterated these remarks, stating, “Switzerland regrets that the adoption of resolution 1566 (2004) was not preceded by an open debate enabling all United Nations Members to express their points of view.”³³

B. Limitations on participation

Case 8

In a letter dated 11 June 2004 to the President of the Security Council,³⁴ the representative of the Sudan referred to his invitation under rule 37 to participate in the 4988th meeting, on 11 June 2004, held to consider the report of the Secretary-General on the Sudan, and the fact that he had not been called upon to deliver a statement. At the meeting the Council had adopted resolution 1547 (2004). He stated:

We were somewhat taken aback ... by your decision that permission for us to participate in the session did not entitle us to deliver a statement, on the grounds that there was no precedent for it. We are aware, however, that numerous precedents exist and that this would be in no way contrary to the regulations. I met with you in person shortly before the start of the session in order to re-examine your decision and you promised to consult the members of the Council with a view to a decision on the matter. We were surprised to find that the session was held, as you know, without our being given an opportunity to deliver our statement.

We believe we have the right to give a statement during the session, considering that the members agreed to our participation in it. Regarding your address to the members in that regard at the start of the session, when you mentioned permission for the delegation of the Sudan to participate in the discussion, what does “participate in the discussion” mean?

³² S/PV.5059, p. 22.

³³ Ibid., p. 24.

³⁴ S/2004/490.

Does it simply mean sitting and listening without proffering a word by way of participation in the discussion? I am sorry to have to express to you feelings of profound distress and disappointment over your decision to deprive a Member State of participation in the debate on a vital issue concerning its fate, for this is totally at odds with the most fundamental rules of justice and transparency. I wish to transmit to you herewith the statement of the Sudan on the topic of today's session.

The representative of the Philippines replied in a letter dated 17 June 2004 addressed to the President of the Security Council,³⁵ stating, "as some of the points contained in your letter alluded to the discussion I personally held with you, please allow me to respond to them in my national capacity". The representative noted that:

Your letter, however, has raised a question of interpretation of the Council's decision to allow the Sudan to "participate in the discussion". This issue is for the Council, and not for the President alone, to decide. I will leave it to your delegation on when and how you would further pursue this matter with the Council. ... it was not by my decision, but rather the lack of consensus by the Council to allow a statement other than explanation of vote that militated against your desire to speak before the Council."³⁶

The representative of the Philippines further recalled that:

... in order for the Sudan to have the opportunity to make its views known, I suggested to you to send a letter to the President

of the Council requesting that your statement be issued as a document of the Security Council. Indeed, you have followed my humble advice and your statement is now part of the public record as a Council document. Thus, your right to be heard has been fully preserved by the publication of your statement.

The Philippine delegation fully supports the right of every delegation to be heard on matters of concern to them with which the Security Council is seized. We support transparency in the work of the Council and the full ventilation of views on issues of general interest to the international community.

In this regard, if your delegation so wishes, I would propose to convene a meeting of the Security Council to allow your delegation a full expression of your views on matters of common interest between the Security Council and your country. I am certain that Council members would welcome this opportunity to exchange views with your delegation on these shared concerns. I would be grateful to receive your concurrence on this proposal.³⁶

Case 9

In a letter dated 31 July 2006 addressed to the President of the Security Council, the representative of the Islamic Republic of Iran regretted that, at the 5500th meeting held on 31 July 2006 to consider the item "Non-proliferation", the Council had adopted a resolution "without even allowing the views of the concerned party to be heard."³⁷ The representative had been invited to participate in the 5500th meeting under rule 37, but was not called upon to make a statement.

³⁵ S/2004/498.

³⁶ *Ibid.*, annex.

³⁷ S/2006/603, annex.

Annex I

Invitations extended under rule 37 (2004-2007)

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|--|---|--|
| The situation in the Middle East, including the Palestinian question | Bahrain, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Qatar, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen | 4929 |
| | Israel | 4929, 4934, 4972, 5051 |
| | Bahrain, Cuba, Egypt, India, Indonesia, Ireland, Iran (Islamic Republic of), Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Norway, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen | 4945 |
| | Lebanon | 5028, 5117 |
| | Cuba, Egypt, Iran (Islamic Republic of), Israel, Japan, Jordan, Malaysia, Netherlands, South Africa, Syrian Arab Republic, Tunisia, Turkey | 5049 |
| | Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Israel, Kuwait, Lebanon, Malaysia, Norway, Saudi Arabia, South Africa, Sudan, Syrian Arab Republic, Tunisia, Yemen | 5230 and resumption 1 |
| | Libyan Arab Jamahiriya, Morocco, Pakistan | 5230 (resumption 1) |
| | Austria, Israel, Lebanon, Malaysia, Syrian Arab Republic, United Arab Emirates, Yemen | 5404 |
| | Algeria, Austria, Bahrain, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Malaysia, Pakistan, Saudi Arabia, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of), Yemen | 5411 |
| | Algeria, Austria, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, South Africa, Syrian Arab Republic, Yemen, Zimbabwe | 5481 |
| Israel | 5488 | |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|----------------------------------|---|--|
| | Algeria, Australia, Brazil, Canada, Chile, Cuba, Djibouti, Egypt, Finland, Guatemala, India, Indonesia, Iran (Islamic Republic of), Israel, Jordan, Lebanon, Malaysia, Morocco, New Zealand, Norway, Saudi Arabia, Sudan, Switzerland, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of) | 5493 and resumption 1 |
| | Pakistan, South Africa, Viet Nam | 5493 (resumption 1) |
| | Algeria, Brazil, Canada, Finland, Indonesia, Iran (Islamic Republic of), Israel, Lebanon, Norway, Pakistan, Sudan | 5515 |
| | Bahrain, Cuba, Finland, Iran (Islamic Republic of), Israel, Syrian Arab Republic | 5552 |
| | Algeria, Azerbaijan, Cuba, Egypt, Finland, Israel, Lebanon, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, Spain, Sudan, Tunisia, Yemen | 5564 and resumption 1 |
| | Brazil, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Libyan Arab Jamahiriya, South Africa, Syrian Arab Republic, United Arab Emirates | 5564 (resumption 1) |
| | Cuba, Finland, Iran (Islamic Republic of), Israel | 5568 |
| | Argentina, Azerbaijan, Bangladesh, Cuba, Egypt, Germany, Israel, Iran (Islamic Republic of), Japan, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Norway, Pakistan, Senegal, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of) | 5629 |
| | Israel, Lebanon, Syrian Arab Republic | 5667 |
| | Algeria, Bangladesh, Brazil, Cuba, Iran (Islamic Republic of), Israel, Japan, Jordan, Lebanon, Malaysia, Norway, Pakistan, Portugal, Syrian Arab Republic, Viet Nam, Yemen | 5736 |
| The situation in the Middle East | Lebanon, Syrian Arab Republic | 5292, 5297, 5323, 5329, 5388, 5458, 5539, 5597 |
| | Lebanon | 5320, 5401, 5417, 5418, 5440, 5461, 5559, 5569, 5586, 5642, 5648, 5664, 5685, 5691, 5694, 5719, 5747, 5790, 5799, 5800 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|---|--|--|
| | Israel, Lebanon | 5489, 5498, 5499, 5503, 5511 |
| | Austria, Canada, Finland | 5497 |
| | Israel, Lebanon, United Arab Emirates | 5508 |
| | Bahrain, Finland, Israel | 5530 |
| | Israel | 5584 |
| | Colombia, Lebanon, Spain | 5704 |
| | Israel, Lebanon | 5728, 5733 |
| The situation concerning Western Sahara | Spain | 5669, 5773 |
| The situation in Timor-Leste | Australia, Fiji, Indonesia, Ireland, Japan, Malaysia, New Zealand, Portugal, Republic of Korea, Singapore, Syrian Arab Republic, Thailand, Timor-Leste | 4913 |
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| | Australia, Indonesia, Japan, Malaysia, Netherlands, New Zealand, Portugal, Timor-Leste | 5024 |
| | Australia, Indonesia, Japan, Malaysia, Netherlands, New Zealand, Portugal, Singapore, Thailand, Timor-Leste | 5076 |
| | Australia, Indonesia, Luxembourg, New Zealand, Portugal, Singapore, Thailand, Timor-Leste | 5132 |
| | Australia, Indonesia, Luxembourg, Malaysia, Portugal, Timor-Leste | 5180 |
| | Australia, Austria, Brazil, Indonesia, Papua New Guinea, Portugal, Timor-Leste | 5351 |
| | Australia, Austria, Brazil, Indonesia, Malaysia, New Zealand, Portugal, Singapore, Thailand, Timor-Leste | 5432 |
| | Australia, Malaysia, New Zealand, Portugal, Timor-Leste | 5445 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
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| | Australia, Austria, Brazil, Fiji, Indonesia, Malaysia, New Zealand, Philippines, Portugal, Republic of Korea, Singapore, Timor-Leste | 5457 |
| | Australia, Brazil, Cape Verde, Cuba, Finland, Indonesia, Malaysia, New Zealand, Philippines, Portugal, Singapore, Timor-Leste | 5512 |
| | Australia, Brazil, Germany, Japan, New Zealand, Philippines, Portugal, Singapore, Timor-Leste | 5628 |
| The situation between Iraq and Kuwait | Iraq | 4897, 4982, 4987, 5020, 5033, 5099, 5123, 5124, 5161 |
| The situation in Liberia | Liberia | 4981, 5036, 5105, 5208, 5336, 5389, 5406, 5454, 5468, 5487, 5542, 5602, 5668, 5699, 5745, 5810 |
| The situation in Somalia | Somalia | 4915, 5003, 5064, 5135, 5142, 5227, 5302, 5387, 5486, 5535, 5575, 5579, 5611, 5614, 5633, 5671, 5695, 5707, 5720, 5732, 5812 |
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| | Norway, Portugal, Somalia | 5805 |
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| | Albania, Ireland, Japan, Serbia and Montenegro | 4942 |
| | Serbia and Montenegro | 4960 |
| | Albania, Iceland, Ireland, Japan, Serbia and Montenegro, Ukraine | 4967 |
| | Albania, Japan, Netherlands, Serbia and Montenegro | 5017 |
| | Albania, Japan, Netherlands, Norway, Serbia and Montenegro, Switzerland | 5089 |
| | Albania, Luxembourg, Serbia and Montenegro | 5130 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
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| | Albania, Austria, Serbia and Montenegro, Turkey, Ukraine | 5373 |
| | Albania, Austria, Serbia | 5470 |
| | Albania, Finland, Germany, Italy, Montenegro, Serbia | 5485 |
| | Albania, Finland, Serbia, Ukraine | 5522 |
| | Albania, Finland, Germany, Italy, Serbia | 5531 |
| | Albania, Finland, Serbia, Ukraine | 5588 |
| | Albania, Germany, Serbia | 5640 |
| | Germany, Serbia | 5654 |
| | Albania, Argentina, Armenia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cuba, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Iceland, Japan, Latvia, Liechtenstein, Moldova, Montenegro, Morocco, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine | 5811 |
| The situation in Bosnia and Herzegovina | Bosnia and Herzegovina, Croatia, Ireland | 4920 |
| | Bosnia and Herzegovina | 4997, 5075, 5085, 5782 |
| | Bosnia and Herzegovina, Italy | 5001, 5306 |
| | Bosnia and Herzegovina, Luxembourg | 5147 |
| | Bosnia and Herzegovina, Germany, Italy | 5307 |
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| | Bosnia and Herzegovina, Finland | 5563 |
| | Bosnia and Herzegovina, Finland, Germany, Italy | 5567 |
| | Bosnia and Herzegovina, Germany | 5675, 5713 |
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| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
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| The situation in Georgia | Georgia | 4904, 4916, 4958, 5116, 5242 |
| | Georgia, Germany | 5144, 5238, 5358, 5363, 5405, 5483, 5549, 5658, 5661, 5724 |
| | Azerbaijan, Georgia, Germany | 5174 |
| | Germany | 5623, 5759 |
| The question concerning Haiti | Argentina, Bahamas, Bolivia, Canada, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Ireland, Jamaica, Japan, Mexico, Nicaragua, Peru, Venezuela (Bolivarian Republic of) | 4917 |
| | Haiti | 4919, 4961, 5030, 5090, 5192, 5196, 5210, 5284, 5343, 5369, 5372, 5377, 5438, 5513 |
| | Barbados, Bolivia, Canada, Chile, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Luxembourg, Mexico, Morocco, Norway, Paraguay, Peru, Uruguay | 5110 and resumption 1 |
| | El Salvador | 5110 (resumption 1) |
| | Austria, Bahamas, Brazil, Canada, Chile, Cuba, Dominican Republic, El Salvador, Guatemala, Guyana, Haiti, Mexico, South Africa, Spain, Venezuela (Bolivarian Republic of) | 5397 |
| | Argentina, Brazil, Canada, Chile, Haiti | 5631 |
| | Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Haiti, Spain, Uruguay | 5758 |
| | The situation in Burundi | Burundi |
| Burundi, Norway | | 5678, 5793 |

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| The situation in Afghanistan | Afghanistan | 4893, 4931, 4937, 4941, 4979, 5004, 5038, 5045, 5055, 5056, 5073, 5108, 5145, 5148, 5215, 5260, 5309, 5347, 5348, 5369, 5370, 5374, 5393, 5521, 5645, 5680, 5718, 5744 |
| | Afghanistan, Canada, Iceland, Japan, Netherlands, Uzbekistan | 5025 |
| | Afghanistan, Canada, Germany, India, Iran (Islamic Republic of), Italy, Malaysia, Pakistan, Republic of Korea, Spain, Turkey | 5249 |
| | Germany | 5348 |
| | Afghanistan, Australia, Austria, Canada, Germany, Iceland, Iran (Islamic Republic of), Italy, Kazakhstan, New Zealand, Norway, Pakistan, Republic of Korea | 5385 |
| | Afghanistan, Finland, Germany | 5496 |
| | Afghanistan, Finland, Germany, Iran (Islamic Republic of), Pakistan | 5548 |
| | Afghanistan, Belarus, Canada, Germany, Iceland, India, Iran (Islamic Republic of), Japan, New Zealand, Netherlands, Norway, Pakistan | 5641 |
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| The situation in Sierra Leone | Sierra Leone | 4938, 5037, 5185, 5219, 5254, 5334, 5708, 5813 |
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| | Netherlands | 5804 |

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|--|---|--|
| The situation in the Great Lakes region | Algeria, Angola, Australia, Austria, Belgium, Botswana, Brazil, Burundi, Cameroon, Canada, Central African Republic, Democratic Republic of the Congo, Egypt, Guatemala, Kenya, Namibia, Netherlands, Nigeria, Norway, Pakistan, Republic of Korea, Rwanda, Senegal, South Africa, Sudan, Tunisia, Uganda, Zambia, Zimbabwe | 5359 |
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| | Democratic Republic of the Congo, Rwanda | 5783 |
| The situation concerning Rwanda | Rwanda | 5650 |
| 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 | 4999, 5086, 5199, 5328 |
| | Rwanda, Serbia | 5453 |
| | Bosnia and Herzegovina, Rwanda, Serbia | 5594 |
| | Bosnia and Herzegovina, Montenegro, Rwanda, Serbia | 5697 |
| 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 | Croatia, Rwanda, Serbia | 5796 |
| Cooperation between the United Nations and regional organizations in stabilization processes | Mexico, Netherlands | 5007 |
| The situation concerning the Democratic Republic of the Congo | Belgium, Democratic Republic of the Congo | 4894 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
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| | Democratic Republic of the Congo | 4926, 4969, 4985, 4994, 5011, 5014, 5048, 5095, 5133, 5155, 5162, 5163, 5218, 5243, 5226, 5255, 5340, 5356, 5360, 5408, 5480, 5502, 5504, 5533, 5562, 5580, 5610, 5616, 5630, 5653, 5660, 5674, 5721, 5726, 5730, 5814 |
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| | Austria, Democratic Republic of the Congo | 5421 |
| The situation in the Central African Republic | Central African Republic | 5067, 5232, 5558, 5572 |
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| | Papua New Guinea | 5201 |
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| The situation in Africa | Nigeria | 5043 |
| Children and armed conflict | Armenia, Azerbaijan, Bangladesh, Canada, Colombia, Costa Rica, Ecuador, Egypt, Fiji, India, Indonesia, Ireland, Israel, Japan, Kenya, Liechtenstein, Mali, Mexico, Monaco, Myanmar, Norway, Sierra Leone, Syrian Arab Republic, Uganda, Ukraine | 4898 and resumption 1 |
| | Canada, Gabon, Guinea, Iceland, India, Iraq, Liechtenstein, Luxembourg, Myanmar, Nigeria, Norway, Senegal, Sri Lanka, Uganda | 5129 and resumption 1 |
| | Indonesia, Mali, Niger | 5129 (resumption 1) |
| | Brazil, Canada, Colombia, Democratic Republic of the Congo, Egypt, Finland, Guatemala, India, Liberia, Myanmar, San Marino, Slovenia, Sri Lanka, Uganda, Venezuela (Bolivarian Republic of) | 5494 and resumption 1 |
| | Benin, Israel | 5494 (resumption 1) |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|---|---|--|
| | Afghanistan, Australia, Bangladesh, Benin, Brazil, Canada, Colombia, Egypt, Finland, Guatemala, Honduras, Indonesia, Iraq, Israel, Lebanon, Liechtenstein, Myanmar, Nepal, New Zealand, Norway, Slovenia, South Africa, Sri Lanka, Uganda | 5573 and resumption 1 |
| | Thailand | 5573 (resumption 1) |
| The situation in Guinea-Bissau | Guinea-Bissau | 5069, 5107, 5157, 5248, 5762, 4992 |
| Protection of civilians in armed conflict | Canada, Egypt, Germany, Iraq, Italy, Liechtenstein, Mexico, Nepal, Norway, Pakistan, Peru, Qatar, Republic of Korea, Slovakia, South Africa, Spain, Switzerland, Uganda | 5319 and resumption 1 |
| | Rwanda | 5319 (resumption 1) |
| | Argentina, Canada, Colombia, Côte d'Ivoire, Ecuador, Egypt, Fiji, Ireland, Japan, Liechtenstein, Malaysia, Mexico, Myanmar, Nepal, Norway, Syrian Arab Republic, South Africa, Switzerland, Uganda, Ukraine | 4990 |
| | Argentina, Bangladesh, Canada, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Honduras, Japan, Kenya, Liechtenstein, Netherlands, New Zealand, Nigeria, Peru, Switzerland | 5100 |
| | Canada, Colombia, Côte d'Ivoire, Egypt, Luxembourg, Nigeria, Norway, Peru | 5209 |
| | Austria, Canada, Colombia, Guatemala, Iraq, Liechtenstein, Slovenia, Uganda | 5476 |
| | Canada, Colombia, Finland, Israel, Lebanon, Myanmar, Norway | 5577 |
| | Argentina, Canada, Colombia, Germany, Guatemala, Israel, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, Republic of Korea, Rwanda, Tunisia | 5703 |
| | Angola, Argentina, Australia, Austria, Canada, Colombia, Guatemala, Iceland, Israel, Japan, Liechtenstein, Mexico, Nepal, New Zealand, Nigeria, Norway, Portugal, Senegal, Switzerland, Viet Nam | 5781 |
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| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|------------------------------|---|--|
| | Australia, Canada, Costa Rica, Egypt, India, Indonesia, Luxembourg, Mali, Mexico, Nigeria, Norway, Peru, Republic of Korea, Republic of Moldova, Senegal, South Africa, Switzerland, Turkey, Ukraine, Venezuela (Bolivarian Republic of), Zambia | 5127 and resumption 1 |
| | Mali | 5127 (resumption 1) |
| | Australia, Austria, Brazil, Cambodia, Canada, Colombia, Egypt, Fiji, Guatemala, Guyana, Indonesia, Nigeria, Papua New Guinea, Republic of Korea, Saint Kitts and Nevis, Senegal, Sierra Leone, South Africa, Ukraine, Uruguay | 5390 and resumption 1 |
| | Norway | 5390 (resumption 1) |
| Women and peace and security | Argentina, Australia, Bangladesh, Canada, El Salvador, Fiji, Guatemala, Honduras, Iceland, India, Indonesia, Japan, Kenya, Liechtenstein, Mali, Mexico, Myanmar, Namibia, Netherlands, New Zealand, Nigeria, Norway, Republic of Korea, South Africa, Sweden, Syrian Arab Republic, United Republic of Tanzania | 5066 and resumption 1 |
| | Australia, Austria, Bangladesh, Canada, Croatia, Egypt, El Salvador, Fiji, Germany, Guinea, Iceland, Indonesia, Italy, Kenya, Liechtenstein, Malaysia, Myanmar, Namibia, Norway, Peru, Samoa, South Africa, Sri Lanka, Sweden | 5294 |
| | Israel | 5294 (resumption 1) |
| | Australia, Bangladesh, Canada, Colombia, Croatia, Egypt, El Salvador, Fiji, Finland, Germany, Guatemala, Guinea, Iceland, Indonesia, Israel, Kenya, Lesotho, Myanmar, Netherlands, Norway, Papua New Guinea, Slovenia, South Africa, Spain, Sudan, Sweden, Uganda | 5556 and resumption 1 |
| | Comoros, Liechtenstein | 5556 (resumption 1) |
| | Argentina, Australia, Austria, Bangladesh, Canada, Colombia, Costa Rica, Croatia, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Finland, Germany, Guatemala, Guinea, Honduras, Iceland, Israel, Japan, Kazakhstan, Kenya, Liechtenstein, Malawi, Mexico, Myanmar, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Republic of Korea, Spain, Sudan, Sweden, United Arab Emirates, Viet Nam, Zambia | 5766 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|--|--|--|
| | Benin | 5766 (resumption 1) |
| Wrap-up discussion on the work of the Security Council for the current month | Belarus, Cuba, Egypt, Gambia, Indonesia, Luxembourg, Morocco, Pakistan, Rwanda, Somalia, Tunisia | 5156 |
| Threats to international peace and security caused by terrorist acts | Indonesia, Ireland, Japan, Liechtenstein, Switzerland, Syrian Arab Republic | 4892 |
| | Argentina, Belarus, Cameroon, Canada, Costa Rica, Cuba, Egypt, India, Indonesia, Ireland, Israel, Japan, Kazakhstan, Liechtenstein, Mexico, New Zealand, Republic of Korea, South Africa, Switzerland, Syrian Arab Republic, Ukraine | 4921 |
| | Costa Rica, India, Ireland, Japan, South Africa | 4976 |
| | Côte d'Ivoire, Indonesia, Israel, Japan, Kazakhstan, Liechtenstein, Netherlands, Syrian Arab Republic, Uzbekistan | 5006 |
| | Australia, India, Indonesia, Japan, Malaysia, Netherlands, Singapore | 5031 |
| | Turkey | 5053 |
| | Bangladesh, Canada, Costa Rica, Cuba, Egypt, El Salvador, Fiji, India, Indonesia, Israel, Japan, Republic of Korea, Liechtenstein, Malaysia, Nepal, Netherlands, Nigeria, Peru, Samoa, Switzerland, Thailand, Uganda, Ukraine | 5059 and resumption 1 |
| | Japan, Indonesia, Thailand | 5104 |
| | Kazakhstan, Liechtenstein, Luxembourg, Paraguay | 5113 |
| | Egypt | 5224, 5239, 5424 |
| | Iraq | 5246, 5477 |
| | Indonesia | 5274 |
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| | Algeria | 5659, 5738, 5798 |
| | Spain, Yemen | 5714 |

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| | Poland | 5754 |
| | Pakistan | 5764, 5816 |
| The situation in Côte d'Ivoire | Côte d'Ivoire | 4909, 4918, 4959, 4977, 5018, 5072, 5078, 5103, 5118, 5159, 5173, 5194, 5213, 5221, 5281, 5283, 5288, 5314, 5318, 5327, 5350, 5354, 5399, 5400, 5426, 5427, 5442, 5451, 5491, 5505, 5524, 5555, 5561, 5591, 5592, 5617, 5651, 5676, 5711, 5712, 5716, 5772 |
| | Côte d'Ivoire, South Africa | 5152 |
| | Côte d'Ivoire, Nigeria, South Africa | 5169, 5253 |
| | Côte d'Ivoire, Nigeria | 5278, 5279 |
| | Burkina Faso, Côte d'Ivoire | 5765 |
| Security Council mission | Côte d'Ivoire, Egypt, Ghana, Ireland, Japan, Mexico, Nigeria, Sierra Leone, Syrian Arab Republic | 4899 |
| | Burundi, Egypt, Ireland, Japan, Rwanda, Syrian Arab Republic | 4911 |
| | Côte d'Ivoire, Ghana, Guinea, Japan, Liberia, Netherlands, Nigeria, Sierra Leone | 5005 |
| | Burundi, Democratic Republic of the Congo, Japan, Netherlands, Rwanda, Uganda | 5096 |
| | Canada, Chile, Guatemala, Haiti, Luxembourg, Norway, Peru, Spain, Trinidad and Tobago | 5178 |
| | Burundi, Rwanda, Uganda | 5315 |
| | Austria, Chad, Egypt, Norway, Sudan | 5478 |
| | Afghanistan | 5570 |
| | Afghanistan, Canada, Finland, India, Iran (Islamic Republic of), Norway, Pakistan | 5581 |
| | Côte d'Ivoire, Democratic Republic of the Congo | 5717 |
| | Timor-Leste | 5791 |

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|--|---|--|
| | Australia, Japan, New Zealand, Philippines, Portugal, Timor-Leste | 5801 |
| Justice and the rule of law: the United Nations role | Argentina, Australia, Austria, Belarus, Burundi, Canada, Costa Rica, Fiji, Finland, India, Indonesia, Japan, Jordan, Liechtenstein, Mexico, Netherlands, Nigeria, Peru, Republic of Korea, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sweden, Switzerland, Uganda | 5052 |
| Briefings by Chairmen of subsidiary bodies of the Security Council | Australia, Cuba, India, Israel, Libyan Arab Jamahiriya, Liechtenstein, Morocco, New Zealand, Peru, Switzerland, Syrian Arab Republic, Venezuela (Bolivarian Republic of) | 5229 and resumption 1 |
| | Pakistan | 5229 (resumption 1) |
| | Chile, Colombia, Costa Rica, Cuba, Fiji, India, Israel, Liechtenstein, Pakistan, Samoa, Syrian Arab Republic, Switzerland, Venezuela (Bolivarian Republic of) | 5293 and resumption 1 |
| | Australia, Chile, Cuba, Liechtenstein, Luxembourg, Morocco, Spain, Venezuela (Bolivarian Republic of), Viet Nam | 5168 |
| | Algeria, Austria, Brazil, Indonesia, Israel, Syrian Arab Republic, Venezuela (Bolivarian Republic of) | 5375 |
| | Cuba, Finland, Switzerland, Venezuela (Bolivarian Republic of) | 5538 |
| | Afghanistan, Argentina, Australia, Cuba, Germany, Israel, Japan, Lebanon, Liechtenstein, Republic of Korea, Rwanda, Syrian Arab Republic, Switzerland, Venezuela (Bolivarian Republic of), Viet Nam | 5679 |
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| Post-conflict national reconciliation: role of the United Nations | Afghanistan, Argentina, Bosnia and Herzegovina, Burundi, Costa Rica, Côte d'Ivoire, Croatia, Egypt, Guatemala, India, Ireland, Japan, Liechtenstein, Mexico, Morocco, Nigeria, Peru, Republic of Korea, Rwanda, Serbia and Montenegro, Sierra Leone, South Africa | 4903 and resumption 1 |
| | Cameroon | 4903 (resumption 1) |
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| | Burkina Faso, Côte d'Ivoire, Guinea, Luxembourg, Mali, Niger, Nigeria, Sierra Leone | 5131 |
| Non-proliferation of weapons of mass destruction | Albania, Argentina, Australia, Austria, Belarus, Canada, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Japan, Jordan, Kazakhstan, Kuwait, Liechtenstein, Lebanon, Malaysia, Mexico, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Peru, Republic of Korea, Singapore, South Africa, Sweden, Switzerland, Syrian Arab Republic, Tajikistan | 4950 and resumption 1 |
| | Thailand | 4950 (resumption 1) |
| | Argentina, Australia, Bangladesh, Belarus, Brazil, Cuba, El Salvador, Germany, Guatemala, Israel, Japan, New Zealand, Norway, Pakistan, Republic of Korea, Uruguay, Viet Nam | 5635 and resumption 1 |
| | Iran (Islamic Republic of) | 5635 (resumption 1) |
| United Nations peacekeeping operations | Argentina, Armenia, Australia, Bangladesh, Canada, Côte d'Ivoire, Egypt, Fiji, Guatemala, India, Indonesia, Ireland, Japan, Kazakhstan, Lebanon, Malaysia, Namibia, Nepal, New Zealand, Peru, Republic of Korea, Republic of Moldova, Serbia and Montenegro, South Africa, Syrian Arab Republic, Tunisia, Ukraine | 4970 |
| | Australia, Malaysia, Sierra Leone, Singapore, South Africa | 5376 |
| | Austria, Brazil, Canada, Singapore | 5379 |
| Reports of the Secretary-General on the Sudan | Sudan | 4988, 5015, 5040, 5046, 5120, 5151, 5153, 5158, 5245, 5459, 5519, 5520, 5784 |
| | Egypt | 5081 |
| | Australia, Japan, Netherlands, Norway | 5082 |
| | Austria, Canada, Netherlands, Nigeria, Sudan | 5434 |
| Role of civil society in post-conflict peacebuilding | Australia, Bangladesh, Canada, Egypt, Ireland, Japan, Nepal, Peru, Republic of Korea, Senegal, Sierra Leone, South Africa, Uganda | 4993 |
| Institutional relationship with the African Union | Nigeria | 5084 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|---|--|--|
| Post-conflict peacebuilding | Australia, Chile, Côte d'Ivoire, Egypt, Ghana, Iceland, India, Indonesia, Luxembourg, Malaysia, Morocco, New Zealand, Nigeria, Norway, Pakistan, Peru, Republic of Korea, Sierra Leone, Slovakia, South Africa, Sweden, Switzerland, Ukraine | 5187 |
| | Afghanistan, Argentina, Brazil, Canada, Chile, Croatia, Egypt, El Salvador, Germany, Guatemala, Jamaica, Japan, Nigeria, Republic of Korea, Senegal, Uruguay | 5627 |
| | Burundi, El Salvador, Netherlands, Norway, Sierra Leone | 5761 |
| The situation concerning Iraq | Iraq | 5189, 5190, 5204, 5247, 5256, 5266, 5267, 5300, 5325, 5371, 5386, 5444, 5463, 5464, 5510, 5523, 5574, 5583, 5639, 5693, 5710, 5729, 5763, 5808 |
| The role of the Security Council in humanitarian crises: challenges, lessons learned and the way ahead | Canada, Fiji, India, Indonesia, Malaysia, Norway, Peru, Republic of Korea, Venezuela (Bolivarian Republic of) | 5225 |
| Letters dated 26 July 2005 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/2005/485 and S/2005/489) | Zimbabwe | 5237 |
| The role of civil society in conflict prevention and the pacific settlement of disputes | Canada, Peru, Slovakia, Switzerland | 5264 |
| Cooperation between the United Nations and regional organizations in maintaining international peace and security | Romania | 5529 |
| Non-proliferation | Germany, Iran (Islamic Republic of) | 5500, 5612, 5647 |
| The situation in Chad and the Sudan | Chad | 5425, 5441, 5595 |

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| | Central African Republic | 5621 |
| Strengthening international law: rule of law and maintenance of international peace and security | Austria, Azerbaijan, Canada, Egypt, Guatemala, Iraq, Liechtenstein, Mexico, Nigeria, Norway, Sierra Leone, South Africa, Switzerland, Venezuela (Bolivarian Republic of) | 5474 |
| Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2006/481) | Democratic People's Republic of Korea, Republic of Korea | 5490 |
| Peace consolidation in West Africa | Brazil, Côte d'Ivoire, Egypt, Finland, Guatemala, Guinea, India, Libyan Arab Jamahiriya, Namibia, Nigeria, Norway, Republic of Korea, Senegal, Sierra Leone, Venezuela (Bolivarian Republic of) | 5509 and resumption 1 |
| | Liberia, Niger, Pakistan | 5509 (resumption 1) |
| The situation in Myanmar | Myanmar | 5526 (resumption 1), 5619 |
| | Myanmar, Singapore | 5753 |
| | Japan, Myanmar, Singapore | 5777 |
| Non-proliferation/Democratic People's Republic of Korea | Democratic People's Republic of Korea, Republic of Korea | 5551 |
| Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920) | Nepal | 5576, 5622 |
| Maintenance of international peace and security: role of the Security Council in supporting security sector reform | Afghanistan, Argentina, Australia, Canada, Cuba, Egypt, Germany, Guatemala, Honduras, Japan, Netherlands, Norway, Republic of Korea, Sudan, Switzerland, Uruguay | 5632 |
| Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security | Algeria, Australia, Benin, Burkina Faso, Egypt, Germany, Japan, Liberia, Libyan Arab Jamahiriya, Namibia, Norway, Rwanda, Sudan, Uganda, United Republic of Tanzania, Uruguay, Viet Nam | 5649 |

| <i>Agenda item</i> | <i>State invited</i> | <i>Meetings at which invitations were extended and renewed</i> |
|---|---|--|
| Letter dated 5 April 2007 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/2007/186) | Argentina, Australia, Bangladesh, Barbados, Bolivia, Brazil, Canada, Cape Verde, Costa Rica, Cuba, Denmark, Egypt, Germany, Iceland, India, Israel, Japan, Liechtenstein, Maldives, Marshall Islands, Mexico, Micronesia, Namibia, Netherlands, New Zealand, Norway, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Singapore, Solomon Islands, Sudan, Switzerland, Tuvalu, Ukraine, Venezuela (Bolivarian Republic of) | 5663 and resumption 1 |
| | Comoros, Mauritius | 5663 (resumption 1) |
| Maintenance of international peace and security | Angola, Argentina, Botswana, Brazil, Canada, Democratic Republic of the Congo, Egypt, Germany, Iceland, India, Japan, Liechtenstein, Norway, Pakistan, Senegal, Switzerland, Tunisia | 5705 and resumption 1 |
| | Benin | 5705 (resumption 1) |
| | Algeria, Argentina, Benin, Canada, Croatia, Democratic Republic of the Congo, Guatemala, Honduras, Japan, Kenya, Libyan Arab Jamahiriya, Namibia, Norway, Portugal, Sudan, Switzerland, Uganda, United Republic of Tanzania, Viet Nam | 5735 |
| The situation in Chad, the Central African Republic and the subregion | Central African Republic, Chad | 5748 |
| Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda | Uganda | 5415, 5416 |
| Reports of the Security Council mission on the electoral process in the Democratic Republic of the Congo | Belgium, Democratic Republic of the Congo, Finland | 5482 |
| The role of regional and subregional organizations in the maintenance of international peace and security | Angola, Argentina, Armenia, Guatemala, Guinea, Honduras, Japan, Kazakhstan, Malaysia, Norway, Philippines, Singapore, Solomon Islands, Spain, Uruguay, Viet Nam | 5776 (resumption 1) |
| | Azerbaijan, Benin, Thailand | 5776 (resumption 1) |

Annex II

Invitations extended under rule 39 (2004-2007)

A. Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------------|---|
| Acting Chairman of the Organizational Committee of the Peacebuilding Commission (Mr. Leslie Kojo Christian) | Maintenance of international peace and security: role of the Security Council in conflict prevention and resolution, in particular in Africa | 5735 | 28 August 2007 |
| Acting Director of the 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 Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, sections A and B | 4901 | 23 January 2004 |
| Acting Director 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 Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B | 4900 | 23 January 2004 |
| | 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 | 4983 5198 5316 | 7 June 2004 9 June 2005 7 December 2005 |
| Acting Executive Chairman, United Nations Monitoring, Verification and Inspection Commission (Mr. Demetrius Perricos) | The situation concerning Iraq | 5710 | 29 June 2007 |
| Acting Military Adviser, (General Per Arne Five) | Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B | 5755 | 10 October 2007 |
| Acting Special Representative of the Secretary-General for Cyprus and Chief of Mission (Mr. Zbigniew Wlosowicz) | 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, | 5054 | 8 October 2004 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| | sections A and B | | |
| Acting Special Representative of the Secretary-General and Acting Head of Mission of the United Nations Operation in Burundi (Mr. Nureldin Satti) | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B | 5475 | 27 June 2006 |
| | | 5604 | 21 December 2006 |
| Acting Special Representative of the Secretary-General for Ethiopia and Eritrea (Mr. Azouz Ennifar) | 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 | 5536 | 26 September 2006 |
| Acting Special Representative of the Secretary-General for the Sudan (Mr. Tayé-Brook Zerihoun) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5666 | 23 April 2007 |
| Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel (Prince Zeid Ra'ad Zeid Al-Hussein) | United Nations peacekeeping operations | 5191 | 31 May 2005 |
| | | 5379 | 23 February 2006 |
| Assistant Secretary-General for Legal Affairs (Mr. Ralph Zacklin) | The situation in Burundi | 5203 | 15 June 2005 |
| Assistant Secretary-General, Peacebuilding Support Office (Ms. Carolyn McAskie) | Women and peace and security | 5556 | 26 October 2006 |
| | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| 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 | 4902 | 23 January 2004 |
| | | 4955 | 28 April 2004 |
| | | 5553 | 25 October 2006 |
| | The situation in Afghanistan | 4931 | 24 March 2004 |
| | | 5055 | 12 October 2004 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Support in East Timor pursuant to resolution 1353 (2001), annex II, | 4963 | 6 May 2004 |
| | | 5179 | 16 May 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|----------------|---|----------------|------------------|
| | sections A and B | | |
| | 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 | 5010 | 26 July 2004 |
| | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5017 | 5 August 2004 |
| | The situation in Timor-Leste | 5024 | 24 August 2004 |
| | | 5180 | 16 May 2005 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B | 5088 | 24 November 2004 |
| | 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 | 5115 | 24 January 2005 |
| | | 5731 | 16 August 2007 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire pursuant to resolution 1353 (2001), annex II, sections A and B | 5150 | 24 March 2005 |
| | | 5715 | 11 July 2007 |
| | Reports of the Secretary-General on the Sudan | 5176 | 12 May 2005 |
| | | 5517 | 28 August 2006 |
| | 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 | 5200 | 15 June 2005 |
| | | 5330 | 16 December 2005 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, | 5367 | 9 February 2006 |
| | | 5755 | 10 October 2007 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|-------------------|
| | sections A and B | | |
| | 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 | 5433 | 8 May 2006 |
| | | 5722 | 24 July 2007 |
| | Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security | 5649 | 28 March 2007 |
| | The situation in Georgia | 5724 | 26 July 2007 |
| Assistant Secretary-General for Political Affairs (Mr. Danilo Türk) | The situation in the Middle East, including the Palestinian question | 4927 | 18 March 2004 |
| | 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 | 4962 | 6 May 2004 |
| | | 5222 | 6 July 2005 |
| Assistant Secretary-General for Political Affairs (Mr. Tuliameni Kalomoh) | Security Council mission | 4899 | 23 January 2004 |
| | | 4911 | 17 February 2004 |
| | Post-conflict national reconciliation: role of the United Nations | 4903 | 26 January 2004 |
| | The role of civil society in conflict prevention and the pacific settlement of disputes | 5264 | 20 September 2005 |
| | The situation in the Middle East, including the Palestinian question | 5404 | 30 March 2006 |
| Assistant Secretary-General for Political Affairs (Ms. Angela Kane) | The situation in the Middle East, including the Palestinian question | 5361 | 31 January 2006 |
| | | 5481 | 30 June 2006 |
| | | 5564 | 9 November 2006 |
| | The situation concerning Iraq | 5463, 5464 | 15 June 2006 |
| Assistant Secretary-General for Programme Planning, Budget and Accounts, Controller (Mr. Warren Sach) | The situation concerning Iraq | 5808 | 18 December 2007 |

Chapter III. Participation in the proceedings of the Security Council

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|----------------|-------------------|
| Chairman of the Ad Hoc Advisory Group on African countries emerging from conflict (Mr. Dumisani Kumalo) | The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943 | 15 April 2004 |
| Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa (Mr. Ismael Abraão Gaspar Martins) | Briefings by Chairmen of Security Council Committees and Working Groups | 5106 | 22 December 2004 |
| Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa (Mr. Simon Bodéhoussè Idohou) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5332 | 19 December 2005 |
| Chairman of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme (Mr. Paul Volcker) | The situation concerning Iraq | 5256 | 7 September 2005 |
| Chairman of the Organizational Committee of the Peacebuilding Commission (Mr. Yukio Takasu) | Post-conflict peacebuilding | 5761 | 17 October 2007 |
| Chairman of the Peacebuilding Commission (Mr. Ismael Abraão Gaspar Martins) | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| | The maintenance of international peace and security: role of the Security Council in supporting security sector reform | 5632 | 20 February 2007 |
| Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone (Mr. Ronaldo Sardenberg) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5332 | 19 December 2005 |
| Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (Mr. Heraldo Muñoz) | Threats to international peace and security caused by terrorist acts | 4976 | 25 May 2004 |
| | | 5031 | 13 September 2004 |
| | | 5104 | 17 December 2004 |
| Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (Mr. César Mayoral) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5168 | 25 April 2005 |
| | | 5229 | 20 July 2005 |
| | | 5293 | 26 October 2005 |
| | | 5375 | 21 February 2006 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|-------------------|
| | | 5538 | 28 September 2006 |
| Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Mr. Alexander Konuzin) | Threats to international peace and security caused by terrorist acts | 5006 | 19 July 2004 |
| Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Mr. Andrey Denisov) | Threats to international peace and security caused by terrorist acts | 5059 | 19 October 2004 |
| | | 5113 | 18 January 2005 |
| 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 | 4921 | 4 March 2004 |
| Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Ms. Ellen Margrethe Løj) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5168 | 25 April 2005 |
| | | 5229 | 20 July 2005 |
| | | 5293 | 26 October 2005 |
| | | 5375 | 21 February 2006 |
| | | 5538 | 28 September 2006 |
| | Threats to international peace and security caused by terrorist acts | 5446 | 30 May 2006 |
| Chairman of the Security Council Committee established pursuant to resolution 1518 (2003) and Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) (Mr. Mihnea I. Motoc) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5332 | 19 December 2005 |
| Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda (Mr. Abdallah Baali) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5332 | 19 December 2005 |
| Chairman of the Security Council Committee established pursuant to | Non-proliferation of weapons of mass destruction | 5097 | 9 December 2004 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| resolution 1540 (2004) (Mr. Mihnea Ioan Motoc) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5168 | 25 April 2005 |
| | | 5229 | 20 July 2005 |
| | | 5293 | 26 October 2005 |
| Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) (Mr. Peter Burian) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5375 | 21 February 2006 |
| | | 5538 | 28 September 2006 |
| Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) (Mr. Johan Verbeke) | Non-proliferation | 5646 | 23 March 2007 |
| | | 5743 | 19 September 2007 |
| Chairman of the Security Council Working Group established pursuant to resolution 1566 (2004) and Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia (Mr. Lauro L. Baja, Jr.) | Briefings by Chairmen of subsidiary bodies of the Security Council | 5332 | 19 December 2005 |
| Chief of the Force Generation Service, Department of Peacekeeping Operations (Colonel Jahanzeb Raja) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265 | 21 September 2005 |
| Chief of the Military Planning Service, Department of Peacekeeping Operations (Colonel Ian Sinclair) | 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 | 5349 | 19 January 2006 |
| Commander of the Eastern Division and Deputy Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo (Major General Patrick Cammaert) | 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 | 5146 | 22 March 2005 |
| Commissioner of the International Independent Investigation Commission (Mr. Detlev Mehlis) | The situation in the Middle East | 5292 | 25 October 2005 |
| | | 5323 | 13 December 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> | |
|---|--|--|-------------------|--|
| Commissioner of the International Independent Investigation Commission (Mr. Serge Brammertz) | The situation in the Middle East | 5388 | 16 March 2006 | |
| | | 5458 | 14 June 2006 | |
| | | 5539 | 29 September 2006 | |
| | | 5597 | 18 December 2006 | |
| | | 5642 | 21 March 2007 | |
| | | 5719 | 19 July 2007 | |
| | | 5790 | 5 December 2007 | |
| Deputy Emergency Relief Coordinator (Ms. Carolyn McAskie) | Post-conflict national reconciliation: role of the United Nations | 4903 | 26 January 2004 | |
| Director of the Africa Division, Department of Peacekeeping Operations (Mr. Dmitry Titov) | 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 | 5620 | 16 January 2007 | |
| Director of the Asia and Middle East Division, Department of Peacekeeping Operations (Ms. Lisa Buttenheim) | 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 | 4996 | 24 June 2004 | |
| | | 5098 | 10 December 2004 | |
| | | 5452 | 6 June 2006 | |
| | | 5587 | 13 December 2006 | |
| | | 5692 | 12 June 2007 | |
| | | 5797 | 11 December 2007 | |
| | | 5008 | 23 July 2004 | |
| | | 5233 | 25 July 2005 | |
| | | 5355 | 25 January 2006 | |
| | | 5495 | 25 July 2006 | |
| | | 5291 | 24 October 2005 | |
| | | 5420 | 25 April 2006 | |
| | | 5074 | 11 November 2004 | |
| | | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of | | |

Chapter III. Participation in the proceedings of the Security Council

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| | Support in East Timor pursuant to resolution 1353 (2001), annex II, sections A and B | | |
| Director 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 Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B | 5398 | 28 March 2006 |
| | 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 | 5447 | 31 May 2006 |
| Executive Director of the Counter-Terrorism Committee Executive Directorate (Mr. Javier Ruperez) | Threats to international peace and security caused by terrorist acts | 5059 | 19 October 2004 |
| Executive Representative of the Secretary-General for Burundi (Mr. Youssef Mahmoud) | The situation in Burundi | 5678 | 21 May 2007 |
| | | 5793 | 6 December 2007 |
| Force Commander of the United Nations Interim Force in Lebanon (Major General Alain Pellegrini) | 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 | 5233 | 25 July 2005 |
| Force Commander of the United Nations Operation in Burundi (Major General Derrick Mbuyiselo Mgwabi) | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B | 5310 | 28 November 2005 |
| Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo (Lieutenant General Babacar Gaye) | 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 | 5271 | 29 September 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| Force Commander of the United Nations Peacekeeping Force in Cyprus (Major General Rafael José Barni) | 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 | 5582 | 8 December 2006 |
| Head of the Security Council mission to Central Africa (Mr. Jean-Marc de La Sablière) | Security Council mission | 5091 | 30 November 2004 |
| | | 5305 | 15 November 2005 |
| Head of the Security Council mission to Haiti (Mr. Ronaldo Mota Sardenberg) | Security Council mission | 5164 | 20 April 2005 |
| Head of the Security Council mission to West Africa (Sir Emyr Jones Parry) | Security Council mission | 5000 | 30 June 2004 |
| High Representative for the elections in Côte d'Ivoire (Mr. António Monteiro) | The situation in Côte d'Ivoire | 5278, 5279 | 13 October 2005 |
| Military Adviser in the Department of Peacekeeping Operations (Lieutenant General Randhir Kumar Mehta) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265 | 21 September 2005 |
| | | 5495 | 25 July 2006 |
| Officer-in-Charge of the Logistics Operations Section, Department of Peacekeeping Operations (Mr. Michael Dora) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265 | 21 September 2005 |
| Officer-in-Charge of the Department for Disarmament Affairs (Ms. Hannelore Hoppe) | Small arms | 5390 | 20 March 2006 |
| Police Adviser in the Department of Peacekeeping Operations (Mr. Mark Kroeker) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265 | 21 September 2005 |
| | | 5391 | 21 March 2006 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|----------------|------------------|
| 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 and 31 December 1994 (Judge Erik Møse) | 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; | 4999 | 29 June 2004 |
| | 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 | 5086 | 23 November 2004 |
| | | 5199 | 13 June 2005 |
| | | 5328 | 15 December 2005 |
| | | 5453 | 7 June 2006 |
| | | 5594 | 15 December 2006 |
| 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 Theodor Meron) | 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; | 4999 | 29 June 2004 |
| | 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 | 5086 | 23 November 2004 |
| | | 5199 | 13 June 2005 |
| | | | |
| | | | |
| | | | |
| 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 Fausto Pocar) | 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; | 5328 | 15 December 2005 |
| | 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 | 5453 | 7 June 2006 |
| | | 5594 | 15 December 2006 |
| | | 5697 | 18 June 2007 |
| | | 5796 | 10 December 2007 |
| | | | |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|--|---|
| | and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 | | |
| President of 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 (Judge Dennis Byron) | 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 and 31 December 1994 | 5697 5796 | 18 June 2007 10 December 2007 |
| Principal Deputy Special Representative of the Secretary-General for Côte d'Ivoire (Mr. Alan Doss) | The situation in Côte d'Ivoire | 5152 | 28 March 2005 |
| Principal Deputy Special Representative of the Secretary-General for Côte d'Ivoire (Mr. Abou Moussa) | The situation in Côte d'Ivoire | 5765 | 22 October 2007 |
| 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 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 | 4999 5086 5199 5328 5453 5594 5697 5796 | 29 June 2004 23 November 2004 13 June 2005 15 December 2005 7 June 2006 15 December 2006 18 June 2007 10 December 2007 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|------------------|
| | Neighbouring States between 1 January 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 (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; | 4999 | 29 June 2004 |
| | 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 | 5086 | 23 November 2004 |
| | | 5199 | 13 June 2005 |
| | | 5328 | 15 December 2005 |
| | | 5453 | 7 June 2006 |
| | | 5594 | 15 December 2006 |
| | | 5697 | 18 June 2006 |
| | | 5796 | 10 December 2007 |
| Special Adviser to the Secretary- General (Mr. Lakhdar Brahimi) | The situation between Iraq and Kuwait | 4952 | 27 April 2004 |
| | | 4984 | 7 June 2004 |
| Special Adviser to the Secretary- General (Mr. Vijay Nambiar) | The situation in the Middle East, including the Palestinian question | 5493 | 21 July 2006 |
| Special Adviser to the Secretary- General on Cyprus (Mr. Alvaro de Soto) | The situation in Cyprus | 4940 | 2 April 2004 |
| | | 4986 | 8 June 2004 |
| Special Adviser to the Secretary- General on Gender Issues and Advancement of Women (Ms. Rachel Mayanja) | Women and peace and security | 5294 | 27 October 2005 |
| | | 5556 | 26 October 2006 |
| | | 5766 | 23 October 2007 |
| Special Adviser to the Secretary- General on Myanmar (Mr. Ibrahim Gambari) | The situation in Myanmar | 5753 | 5 October 2007 |
| | | 5777 | 13 November 2007 |
| Special Adviser to the Secretary- General on the Prevention of Genocide and Director of the International Centre for Transitional Justice (Mr. Juan Méndez) | Justice and the rule of law: the United Nations role | 5052 | 6 October 2004 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General (Mr. Alvaro de Soto) | The situation in the Middle East, including the Palestinian question | 5230 | 21 July 2005 |
| | | 5270 | 23 September 2005 |
| | | 5381 | 28 February 2006 |
| | | 5419 | 24 April 2006 |
| | | 5552 | 19 October 2006 |
| | | 5629 | 13 February 2007 |
| Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General (Mr. Michael C. Williams) | The situation in the Middle East, including the Palestinian question | 5701 | 20 June 2007 |
| | | 5723 | 25 July 2007 |
| | | 5736 | 29 August 2007 |
| 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 | 4912 | 18 February 2004 |
| | | 4951 | 23 April 2004 |
| | | 5002 | 13 July 2004 |
| | | 5077 | 15 November 2004 |
| Special Envoy of the Secretary-General for the implementation of Security Council resolution 1559 (2004) (Mr. Terje Roed-Larsen) | The situation in the Middle East | 5172 | 29 April 2005 |
| | | 5352 | 23 January 2006 |
| | | 5691 | 11 June 2007 |
| Special Envoy of the Secretary-General for Darfur (Mr. Jan Eliasson) | Reports of the Secretary-General on the Sudan | 5784 | 27 November 2007 |
| Special Envoy of the Secretary-General for the comprehensive review of the situation in Kosovo (Mr. Kai Eide) | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5289, | 24 October 2005 |
| | | 5290 | |
| Special Envoy of the Secretary-General for the future status process of Kosovo (Mr. Martti Ahtisaari) | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5654 | 3 April 2007 |
| Special Envoy of the Secretary-General for Timor-Leste (Mr. Ian Martin) | The situation in Timor-Leste | 5457 | 13 June 2006 |
| | | 5512 | 15 August 2006 |

Chapter III. Participation in the proceedings of the Security Council

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| Special Envoy of the Secretary-General on human settlements issues in Zimbabwe (Mrs. Anna Tibaijuka) | Letters dated 26 July 2005 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 | 5237 | 27 July 2005 |
| Special Representative of the Secretary-General for 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 | 4922 | 10 March 2004 |
| | | 5029 | 10 September 2004 |
| | | 5138 | 11 March 2005 |
| | | 5257 | 9 September 2005 |
| | | 5383 | 13 March 2006 |
| Special Representative of the Secretary-General and Head of the United Nations Stabilization Mission in Haiti (Mr. Edmond Mulet) | Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B | 5506 | 8 August 2006 |
| | | 5625 | 29 January 2007 |
| Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (Mr. Harri Holkeri) | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 4910 | 6 February 2004 |
| | | 4967 | 11 May 2004 |
| Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (Mr. Søren Jessen-Petersen) | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5089 | 29 November 2004 |
| | | 5130 | 24 February 2005 |
| | | 5188 | 27 May 2005 |
| | | 5289, 5290 | 24 October 2005 |
| | | 5373 | 14 February 2006 |
| | | 5470 | 20 June 2006 |
| Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (Mr. Joachim Rucker) | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5522 | 13 September 2006 |
| | | 5588 | 13 December 2006 |
| | | 5640 | 19 March 2007 |
| | | 5654 | 3 April 2007 |
| Special Representative of the Secretary-General and Head of the United Nations Observer Mission in | The situation in Georgia | 4904 | 27 January 2004 |
| | | 5238 | 27 July 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|--|--|
| Georgia (Ms. Heidi Tagliavini) | | 5358 | 26 January 2006 |
| | 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 | 5114 5234 5238 5357 | 24 January 2005 25 July 2005 27 July 2005 26 January 2006 |
| Special Representative of the Secretary-General and Head of the United Nations Peacebuilding Office in the Central African Republic (General Lamine Cissé) | The situation in the Central African Republic | 5558 | 30 October 2006 |
| Special Representative of the Secretary-General and Head of the United Nations Political Office for Somalia (Mr. François Lonseny Fall) | The situation in Somalia | 5614 | 26 December 2006 |
| Special Representative of the Secretary-General and Head of the United Nations Stabilization Mission in Haiti (Mr. Juan Gabriel Valdés) | Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B | 5087 5183 | 24 November 2004 23 May 2005 |
| | The question concerning Haiti | 5110 5377 5397 | 12 January 2005 22 February 2006 27 March 2006 |
| Special Representative of the Secretary-General for Afghanistan (Mr. Lakhdar Brahimi) | The situation in Afghanistan | 4893 | 15 January 2004 |
| Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (Mr. Jean Arnault) | The situation in Afghanistan | 4979 5025 5108 5145 5215 5249 5347 | 27 May 2004 25 August 2004 10 January 2005 22 March 2005 24 June 2005 23 August 2005 17 January 2006 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|------------------|
| Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan (Mr. Tom Koenigs) | The situation in Afghanistan | 5385 | 14 March 2006 |
| | | 5496 | 26 July 2006 |
| | | 5548 | 9 October 2006 |
| | | 5641 | 20 March 2007 |
| | | 5680 | 23 May 2007 |
| | | 5760 | 15 October 2007 |
| Special Representative of the Secretary-General for Burundi and Head of the United Nations Operation in Burundi (Ms. Carolyn McAskie) | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B | 5182 | 23 May 2005 |
| | | 5310 | 28 November 2005 |
| Special Representative of the Secretary-General for Children and Armed Conflict (Mr. Olara Otunnu) | Children and armed conflict | 4898 | 20 January 2004 |
| | | 5129 | 23 February 2005 |
| Special Representative of the Secretary-General for Children and Armed Conflict (Ms. Radhika Coomaraswamy) | Children and armed conflict | 5494 | 24 July 2006 |
| | | 5573 | 28 November 2006 |
| Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire (Mr. Pierre Schori) | The situation in Côte d'Ivoire | 5253 | 31 August 2005 |
| | | 5278, 5279 | 13 October 2005 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire pursuant to resolution 1353 (2001), annex II, sections A and B | 5585 | 12 December 2006 |
| | | | |
| Special Representative of the Secretary-General for Cyprus and Head of the United Nations Peacekeeping Force in Cyprus (Mr. Michael Møller) | 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 | 5689 | 8 June 2007 |
| | | 5794 | 7 December 2007 |
| Special Representative of the Secretary-General for Georgia and Head of the United Nations Observer Mission in Georgia (Mr. Jean Arnault) | 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 | 5544 | 6 October 2006 |
| | | 5657 | 10 April 2007 |
| | | 5756 | 10 October 2007 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|-------------------|
| | The situation in Georgia | 5623 | 24 January 2007 |
| | | 5658 | 10 April 2007 |
| Special Representative of the Secretary-General for Iraq (Mr. Ashraf Jehangir Qazi) | The situation between Iraq and Kuwait | 5033 | 14 September 2004 |
| | | 5099 | 13 December 2004 |
| | | 5161 | 11 April 2005 |
| | The situation concerning Iraq | 5266, 5267 | 21 September 2005 |
| | | 5386 | 15 March 2006 |
| | | 5523 | 14 September 2006 |
| | | 5583 | 11 December 2006 |
| | | 5639 | 15 March 2007 |
| | | 5693 | 13 June 2007 |
| | | 5710 | 29 June 2007 |
| Special Representative of the Secretary-General for Liberia (Mr. Alan Doss) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B | 5258 | 12 September 2005 |
| | | 5395 | 24 March 2006 |
| | | 5534 | 25 September 2006 |
| | | 5643 | 22 March 2007 |
| | | 5737 | 6 September 2007 |
| Special Representative of the Secretary-General for Liberia (Mr. Jacques Paul Klein) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B | 4981 | 3 June 2004 |
| | | 5034 | 15 September 2004 |
| Special Representative of the Secretary-General for Sierra Leone (Mr. Daudi Ngelautwa Mwakawago) | 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 | 4932 | 24 March 2004 |
| | | 5035 | 15 September 2004 |
| | | 5333 | 20 December 2005 |
| | The situation in Sierra Leone | 5334 | 20 December 2005 |
| Special Representative of the Secretary-General for Somalia (Mr. Ahmedou Ould-Abdallah) | The situation in Somalia | 5805 | 17 December 2007 |
| Special Representative of the | Meeting of the Security Council | 5009 | 23 July 2004 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
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| Secretary-General for the Democratic Republic of the Congo (Mr. William Lacy Swing) | 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 | 5146 | 22 March 2005 |
| | | 5271 | 29 September 2005 |
| | | 5537 | 27 September 2006 |
| | | 5656 | 4 April 2007 |
| | | 5787 | 29 November 2007 |
| Special Representative of the Secretary-General for the Great Lakes region (Mr. Ibrahima Fall) | The situation in the Great Lakes region | 5065 | 27 October 2004 |
| | | 5359 | 27 January 2006 |
| | | 5603 | 20 December 2006 |
| | | 5637 | 9 March 2007 |
| Special Representative of the Secretary-General for the Sudan and head of the peace support operation (Mr. Jan Pronk) | Reports of the Secretary-General on the Sudan | 5027 | 2 September 2004 |
| | | 5050 | 5 October 2004 |
| | | 5071 | 4 November 2004 |
| | | 5109 | 11 January 2005 |
| | | 5119 | 4 February 2005 |
| Special Representative of the Secretary-General for the Sudan and Head of the United Nations Mission in the Sudan (Mr. Jan Pronk) | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5265 | 21 September 2005 |
| | | 5391 | 21 March 2006 |
| | | 5527 | 18 September 2006 |
| | Reports of the Secretary-General on the Sudan | 5231 | 22 July 2005 |
| | | 5344 | 13 January 2006 |
| | | 5392 | 21 March 2006 |
| | | 5520 | 11 September 2006 |
| | | 5528 | 18 September 2006 |
| Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor (Mr. Kamallesh Sharma) | The situation in Timor-Leste | 4965 | 10 May 2004 |
| Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Mission of Support in East Timor (Mr. Sukehiro Hasegawa) | The situation in Timor-Leste | 5076 | 15 November 2004 |
| | | 5132 | 28 February 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|------------------|
| Special Representative of the Secretary-General for Timor-Leste and Head of Mission of the United Nations Office in Timor-Leste (Mr. Sukehiro Hasegawa) | The situation in Timor-Leste | 5251 | 29 August 2005 |
| | | 5351 | 23 January 2006 |
| | | 5432 | 5 May 2006 |
| Special Representative of the Secretary-General for Timor-Leste and Head of the United Nations Integrated Mission in Timor-Leste (Mr. Atul Khare) | The situation in Timor-Leste | 5628 | 12 February 2007 |
| Special Representative of the Secretary-General for West Africa and Head of the United Nations Office for West Africa (Mr. Ahmedou Ould-Abdallah) | Cross-border issues in West Africa | 5131 | 25 February 2005 |
| | Peace consolidation in West Africa | 5509 | 9 August 2006 |
| Special Representative of the Secretary-General for Western Sahara (Mr. Alvaro de Soto) | 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 | 5062 | 25 October 2004 |
| | | 5167 | 22 April 2005 |
| Special Representative of the Secretary-General for Western Sahara (Mr. Julian Harston) | 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 | 5665 | 20 April 2007 |
| | | 5770 | 26 October 2007 |
| Under-Secretary-General for Disarmament Affairs (Mr. Nobuyasu Abe) | Small arms | 4896 | 19 January 2004 |
| | | 5127 | 17 February 2005 |
| Under-Secretary-General for Disarmament Affairs (Mr. Nobuaki Tanaka) | Non-proliferation of weapons of mass destruction | 5635 | 23 February 2007 |
| Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (Mr. Jan Egeland) | Cross-border issues in West Africa | 4933 | 25 March 2004 |
| | Complex crises and United Nations response | 4980 | 28 May 2004 |
| | Protection of civilians in armed conflict | 4990 | 14 June 2004 |
| | | 5100 | 14 December 2004 |
| | 5209 | 21 June 2005 | |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| | | 5319 | 9 December 2005 |
| | | 5476 | 28 June 2006 |
| | | 5577 | 4 December 2006 |
| | The situation in Africa | 5331 | 19 December 2005 |
| | | 5525 | 15 September 2006 |
| | | 5571 | 22 November 2006 |
| | The situation in Chad and the Sudan | 5441 | 19 May 2006 |
| | The situation in the Middle East, including the Palestinian question | 5493 | 21 July 2006 |
| | Reports of the Secretary-General on the Sudan | 5517 | 28 August 2006 |
| Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (Mr. John Holmes) | The situation in Africa | 5655 | 4 April 2007 |
| | Humanitarian situation in the Great Lakes region and the Horn of Africa | 5677 | 21 May 2007 |
| | Protection of civilians in armed conflict | 5703 | 22 June 2007 |
| | | 5781 | 20 November 2007 |
| | Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator | 5792 | 6 December 2007 |
| Under-Secretary-General for Legal Affairs, the Legal Counsel (Mr. Nicolas Michel) | Strengthening international law: rule of law and maintenance of international peace and security | 5474 | 22 June 2006 |
| Under-Secretary-General for Peacekeeping Operations (Mr. Jean-Marie Guéhenno) | The situation in Timor-Leste | 4913 | 20 February 2004 |
| | The situation in Bosnia and Herzegovina | 4920 | 3 March 2004 |
| | The situation in Afghanistan | 4941 | 6 April 2004 |
| | | 5045 | 28 September 2004 |
| | | 5073 | 9 November 2004 |
| | | 5369, 5370 | 10 February 2006 |
| | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 4942 | 13 April 2004 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|----------------|---|----------------|------------------|
| | United Nations peacekeeping operations | 4970 | 17 May 2004 |
| | | 5191 | 31 May 2005 |
| | | 5379 | 23 February 2006 |
| | 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 | 5023 | 23 August 2004 |
| | Women and peace and security | 5066 | 28 October 2004 |
| | | 5294 | 27 October 2005 |
| | | 5556 | 26 October 2006 |
| | | 5766 | 23 October 2007 |
| | The situation in Georgia | 5144 | 21 March 2005 |
| | Reports of the Secretary-General on the Sudan | 5151 | 25 March 2005 |
| | | 5784 | 27 November 2007 |
| | The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead | 5225 | 12 July 2005 |
| | The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations | 5228 | 18 July 2005 |
| | 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 | 5286 | 19 October 2005 |
| | 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 | 5349 | 19 January 2006 |
| | The situation in the Middle East | 5489 | 14 July 2006 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|-------------------------|-------------------|
| | The situation concerning the Democratic Republic of the Congo | 5616 | 9 January 2007 |
| | Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B | 5771 | 29 October 2007 |
| Under-Secretary-General for Political Affairs (Mr. Kieran Prendergast) | The situation in the Middle East, including the Palestinian question | 4895 | 16 January 2004 |
| | | 4951 | 28 April 2004 |
| | | 4974 | 21 May 2004 |
| | | 4995 | 23 June 2004 |
| | | 5019 | 11 August 2004 |
| | | 5039 | 17 September 2004 |
| | | 5060 | 22 October 2004 |
| | | 5102 | 16 December 2004 |
| | | 5111 | 13 January 2005 |
| | | 5128 | 22 February 2005 |
| | | 5149 | 24 March 2005 |
| | | 5166 | 21 April 2005 |
| | | 5181 | 18 May 2005 |
| | | 5206 | 17 June 2005 |
| | | The situation in Cyprus | 4954 |
| 5211 | 22 June 2005 | | |
| Reports of the Secretary-General on the Sudan | 5094 | 7 December 2004 | |
| The situation between Iraq and Kuwait | 5123 | 16 February 2005 | |
| Under-Secretary-General for Political Affairs (Mr. Ibrahim Gambari) | The situation in the Middle East, including the Palestinian question | 5250 | 24 August 2005 |
| | | 5287 | 20 October 2005 |
| | | 5312 | 30 November 2005 |
| | | 5337 | 20 December 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|----------------|-------------------|
| | | 5443 | 24 May 2006 |
| | | 5472 | 21 June 2006 |
| | | 5515 | 22 August 2006 |
| | | 5568 | 21 November 2006 |
| | | 5624 | 25 January 2007 |
| | The situation concerning Iraq | 5325 | 14 December 2005 |
| | The situation in the Middle East | 5489 | 14 July 2006 |
| | The situation in Myanmar | 5526 | 29 September 2006 |
| | The situation concerning the Democratic Republic of the Congo | 5616 | 9 January 2007 |
| Under-Secretary-General for Political Affairs (Mr. B. Lynn Pascoe) | The situation in the Middle East, including the Palestinian question | 5638 | 14 March 2007 |
| | | 5667 | 25 April 2007 |
| | | 5683 | 24 May 2007 |
| | | 5746 | 20 September 2007 |
| | | 5767 | 24 October 2007 |
| | | 5788 | 30 November 2007 |
| | | 5815 | 21 December 2007 |
| | The situation concerning Iraq | 5763 | 19 October 2007 |
| Under-Secretary-General, Chef de Cabinet of the Executive Office of the Secretary-General (Mr. Mark Malloch Brown) | United Nations peacekeeping operations | 5376 | 22 February 2006 |

B. Invitations under rule 39 to representatives of other United Nations organs, programmes, funds and agencies

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|------------------------------------|---|----------------|---------------|
| Economic and Social Council | | | |
| Ms. Marjatta Rasi, President | Role of civil society in post-conflict peacebuilding | 4993 | 22 June 2004 |
| | The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943 | 15 April 2004 |

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| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|----------------|------------------|
| | Complex crises and United Nations response | 4980 | 28 May 2004 |
| Mr. Ali Hachani, President | The question concerning Haiti | 5397 | 27 March 2006 |
| Mr. Dalius Čekuolis, President | Maintenance of international peace and security | 5705 | 25 June 2007 |
| | Maintenance of international peace and security: role of the Security Council in supporting security sector reform | 5632 | 20 February 2007 |
| | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau | | | |
| Mr. Dumisani Kumalo, Chairman | Security Council mission | 5005 | 16 July 2004 |
| General Assembly | | | |
| Ms. Haya Rashed Al-Khalifa, President | Maintenance of international peace and security: role of the Security Council in supporting security sector reform | 5632 | 20 February 2007 |
| | Maintenance of international peace and security | 5705 | 25 June 2007 |
| Mr. Léo Mérorès, on behalf of President of the General Assembly | Maintenance of international peace and security: role of the Security Council in conflict prevention and resolution, in particular in Africa | 5735 | 28 August 2007 |
| General Assembly Committee on the Exercise of the Inalienable Rights of the Palestinian People | | | |
| Mr. Paul Badji, Chairman | The situation in the Middle East, including the Palestinian question | 4929 | 23 March 2004 |
| | | 4945 | 19 April 2004 |
| | | 5230 | 21 July 2005 |
| | | 5404 | 30 March 2006 |
| | | 5411 | 17 April 2006 |
| | | 5481 | 30 June 2006 |
| | | 5493 | 21 July 2006 |
| | | 5564 | 9 November 2006 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|------------------|
| | | 5629 | 13 February 2007 |
| Mr. Ravan Farhâdi, Vice-Chairman | The situation in the Middle East, including the Palestinian question | 5049 | 4 October 2004 |
| International Atomic Energy Agency | | | |
| Mr. Gustavo Zlauvinen, Representative of the Director General of IAEA to the United Nations and Director of the IAEA Office at United Nations Headquarters | Non-proliferation of weapons of mass destruction | 5635 | 23 February 2007 |
| | The situation concerning Iraq | 5710 | 29 June 2007 |
| International Court of Justice | | | |
| Judge Rosalyn Higgins, President | Briefing by the President of the International Court of Justice | 5557 | 27 October 2006 |
| | | 5775 | 2 November 2007 |
| | Strengthening international law: rule of law and maintenance of international peace and security | 5474 | 22 June 2006 |
| International Monetary Fund | | | |
| Mr. Reinhard Munzberg, Special Representative to the United Nations | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| International Research and Training Institute for the Advancement of Women | | | |
| Ms. Carmen Moreno, Director | Women and peace and security | 5066 | 28 October 2004 |
| Joint United Nations Programme on HIV/AIDS | | | |
| Mr. Peter Piot, Executive Director | The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations | 5228 | 18 July 2005 |
| United Nations Children's Fund | | | |
| Mrs. Carol Bellamy, Executive Director | Children and armed conflict | 4898 | 20 January 2004 |
| | The question concerning Haiti | 5110 | 12 January 2005 |
| Ms. Ann M. Veneman, Executive Director | Children and armed conflict | 5494 | 24 July 2006 |
| | | 5573 | 28 November 2006 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|------------------------|------------------|
| Mr. Daniel Tool, Director of the Office of Emergency Programmes | Children and armed conflict | 4898 | 20 January 2004 |
| Ms. Rima Salah, Deputy Executive Director | Children and armed conflict | 5129 | 23 February 2005 |
| United Nations Development Fund for Women | | | |
| Ms. Noeleen Heyzer, Executive Director | Women and peace and security | 5066 | 28 October 2004 |
| | | 5294 | 27 October 2005 |
| | | 5556 | 26 October 2006 |
| Ms. Joanne Sandler, Ad Interim Executive Director | Women and peace and security | 5766 | 23 October 2007 |
| United Nations Development Programme | | | |
| Mr. Mark Malloch Brown, Administrator | Post-conflict national reconciliation: role of the United Nations | 4903 | 26 January 2004 |
| | Justice and the rule of law: the United Nations role | 5052 (resumption 1) | 6 October 2004 |
| Mr. Zéphirin Diabré, Associate Administrator | Cross-border issues in West Africa | 4933 | 25 March 2004 |
| Ms. Rebeca Grynspan, Assistant Administrator and Director of the Regional Bureau for Latin America and the Caribbean | The question concerning Haiti | 5397 | 27 March 2006 |
| Mr. Ad Melkert, Associate Administrator | Children and armed conflict | 5494 | 24 July 2006 |
| Office of the United Nations High Commissioner for Human Rights | | | |
| Ms. Louise Arbour, United Nations High Commissioner for Human Rights | Women and peace and security | 5066 | 28 October 2004 |
| | Reports of the Secretary-General on the Sudan | 5125 | 16 February 2005 |
| Office of the United Nations High Commissioner for Refugees | | | |
| Mr. Ruud Lubbers, United Nations High Commissioner for Refugees | Briefing by the United Nations High Commissioner for Refugees | 4973 | 20 May 2004 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-----------------|
| Mr. António Manuelde Oliveira Guterres, United Nations High Commissioner for Refugees | Briefing by the United Nations High Commissioner for Refugees | 5353 | 24 January 2006 |
| United Nations Office on Drugs and Crime and Director-General of the United Nations Office in Vienna | | | |
| Mr. Antonio Maria Costa, Executive Director and Director-General of the United Nations Office in Vienna | The situation in Afghanistan | 5215 | 24 June 2005 |
| | | 5548 | 9 October 2006 |
| | | 5641 | 20 March 2007 |
| United Nations Population Fund | | | |
| Ms. Thoraya Ahmed Obaid, Executive Director | Women and peace and security | 5066 | 28 October 2004 |
| World Bank | | | |
| Mr. James D. Wolfensohn, President | The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943 | 15 April 2004 |
| | Post-conflict peacebuilding | 5187 | 26 May 2005 |
| Mr. Ian Bannon, Acting Director for Social Development and Manager of the Conflict Prevention and Reconstruction Unit | Children and armed conflict | 5494 | 24 July 2006 |
| Mr. Oscar Avalor, Special Representative | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| World Food Programme | | | |
| Mr. James Morris, Executive Director | Africa's food crisis as a threat to peace and security | 5220 | 30 June 2005 |

C. Invitations under rule 39 to regional and other intergovernmental organizations

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|--------------|
| African Union | | | |
| Mr. Filipe Chidumo, Chairperson | The situation in Burundi | 4975 | 21 May 2004 |
| Mr. Said Djinnit, Commissioner for Peace, Security and Political | Cooperation between the United Nations and regional organizations in stabilization | 5007 | 20 July 2004 |

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|--|---|----------------|-------------------|
| Affairs | processes | | |
| | Civilian aspects of conflict management and peacebuilding | 5041 | 22 September 2004 |
| | Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security | 5649 | 28 March 2007 |
| | The situation in Côte d'Ivoire | 5278, 5279 | 13 October 2005 |
| | | 5555 | 25 October 2006 |
| | The situation in the Great Lakes region | 5359 | 27 January 2006 |
| Mr. Aminu Bashir Wali, representative of the Chair of the African Union | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| Mr. Baba Gana Kingibe, Special Representative of the Chairperson of the Commission of the African Union in the Sudan | Reports of the Secretary-General on the Sudan | 5120 | 8 February 2005 |
| Mr. Omotayo R. Olanyan, Acting Executive Secretary and representative of the Chairperson | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| Mr. Salim A. Salim, Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur | Reports of the Secretary-General on the Sudan | 5344 | 13 January 2006 |
| | | 5413, 5414 | 18 April 2006 |
| Mr. Denis Sassou Nguesso, Chairman of the African Union | Briefing by the Chairman of the African Union | 5448, 5449 | 31 May 2006 |
| Mrs. Alice Mungwa, Chargé d'affaires a.i. of the Office of the Permanent Observer to the United Nations | Reports of the Secretary-General on the Sudan | 5517 | 28 August 2006 |
| | | 5520 | 11 September 2006 |
| Mrs. Alice Mungwa, Senior Political Affairs Adviser | Reports of the Secretary-General on the Sudan | 5727 | 31 July 2007 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|----------------|-------------------|
| Ms. Lila Hanitra Ratsifandrihamanana, Permanent Observer to the United Nations | Security Council mission | 5717 | 16 July 2007 |
| | The role of regional and subregional organizations in the maintenance of international peace and security | 5776 | 6 November 2007 |
| Mr. Alpha Oumar Konaré, Chairperson | Peace and security in Africa | 5749 | 25 September 2007 |
| Association of Southeast Asian Nations | | | |
| Mr. Alounkeo Kittikhoun, Chairperson of the Standing Committee | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2005 |
| Mr. Hamidon Ali, Chairman of the New York Committee | Cooperation between the United Nations and regional organizations in maintaining peace and security | 5282 | 17 October 2005 |
| Mr. Lauro L. Baja, Chairman of the New York Committee | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Collective Security Treaty Organization | | | |
| Mr. Nikolia Bordyuzha, Secretary-General | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Commonwealth of Independent States | | | |
| Mr. Valery Kyrychenko, Deputy Chairman of the Executive Committee | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| Mr. Vladimir B. Rushaylo, Chairman of the Executive Committee | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Mr. Dmitry Boulakhov, Deputy Executive Secretary | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| Commonwealth Secretariat | | | |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| Mr. Winston Cox, Deputy Secretary-General | Women and peace and security | 5066 | 28 October 2004 |
| Ms. Elsie-Bernadette Onubogu, Permanent Observer to the United Nations | Women and peace and security | 5066 | 28 October 2004 |
| Ms. Elsie-Bernadette Onubogu, Gender Adviser | Women and peace and security | 5294 | 27 October 2005 |
| Community of Portuguese-speaking Countries | | | |
| Mr. João Augusto de Médicis, Executive Secretary | The situation in Timor-Leste | 4913 | 20 February 2004 |
| Mr. Luis Fonseca, Executive Secretary | The situation in Timor-Leste | 5512 | 15 August 2006 |
| Council of Europe | | | |
| Mr. Terry Davis, Secretary General | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| | | 5529 | 20 September 2006 |
| Economic Community of West African States | | | |
| Mr. Nana Effah-Apenteng, Representative of the Chair | Cooperation between the United Nations and regional organizations in stabilization | 5007 | 20 July 2004 |
| Mr. Mohamed Ibn Chambas, Executive Secretary | Cross-border issues in West Africa | 4933 | 25 March 2004 |
| | Peace consolidation in West Africa | 5509 | 9 August 2006 |
| Mr. Ibrahima Diouf, Special Adviser on Child Protection to the Executive Secretary | Children and armed conflict | 5129 | 23 February 2005 |
| | Cross-border issues in West Africa | 5131 | 25 February 2005 |
| European Union | | | |
| Mr. Peter Feith, Deputy Director-General of European Security and Defence Policy | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| Mr. Erkki Tuomioja, representing the Presidency | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Mr. Louis Michel, Commissioner for Development and Humanitarian Aid of the European Commission | The situation in the Great Lakes region | 5359 | 27 January 2006 |
| Mr. Javier Solana, High Representative for the Common Foreign and Security Policy and Secretary-General of the Council | Civilian aspects of conflict management and peacebuilding | 5041 | 22 September 2004 |
| | The situation concerning the Democratic Republic of the Congo | 5616 | 9 January 2007 |
| Office of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina | | | |
| Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina | The situation in Bosnia and Herzegovina | 4920 | 3 March 2004 |
| | | 5075 | 11 November 2004 |
| | | 5147 | 23 March 2005 |
| | | 5306 | 15 November 2005 |
| Mr. Christian Schwarz-Schilling, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina | The situation in Bosnia and Herzegovina | 5412 | 18 April 2006 |
| | | 5563 | 8 November 2006 |
| | | 5675 | 16 May 2007 |
| Mr. Miroslav Lajčák, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina | The situation in Bosnia and Herzegovina | 5780 | 15 November 2007 |
| Intergovernmental Authority on Development | | | |
| Mr. Bethuel Kiplagat, Facilitator | The situation in Somalia | 5083 | 19 November 2004 |
| Mr. Raphael Tuju, Chairman of the Council of Ministers | The situation in Somalia | 5535 | 25 September 2006 |
| Mr. Lazarus Sumbeiywo, Special Envoy on the Sudan | Reports of the Secretary-General on the Sudan | 5081 | 18 November 2004 |
| International Conference on the Great Lakes Region | | | |
| Ms. Liberata Mulamula, Executive Secretary of the | The situation in the Great Lakes | 5603 | 20 December 2006 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|--|--|------------------|
| Conference Secretariat | region | | |
| International Criminal Court | | | |
| Mr. Luis Moreno-Ocampo, Prosecutor | Reports of the Secretary-General on the Sudan | 5216, 5217 | 29 June 2005 |
| | | 5321, 5322 | 13 December 2005 |
| | | 5459, 5460 | 14 June 2006 |
| | | 5589, 5590 | 14 December 2006 |
| | | 5687, 5688 | 7 June 2007 |
| | | 5789 | 5 December 2007 |
| International Organization of la Francophonie | | | |
| Mr. Ridha Bouabid, Permanent Observer | The question concerning Haiti | 4917 | 26 February 2004 |
| | Security Council mission | 5178 | 13 May 2005 |
| Inter-Parliamentary Union | | | |
| Mr. Anders B. Johnsson, Secretary-General | Women and peace and security | 5294 | 27 October 2005 |
| League of Arab States | | | |
| Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations | The situation in the Middle East, including the Palestinian question | 4929 | 23 March 2004 |
| | | 4945 | 19 April 2004 |
| | | 5049 | 4 October 2004 |
| | | 5230 | 21 July 2005 |
| | | 5411 | 17 April 2006 |
| | | 5493 | 21 July 2006 |
| | | 5564 | 9 November 2006 |
| | | 5282 | 17 October 2005 |
| | | 5434 | 9 May 2006 |
| | | Cooperation between the United Nations and regional organizations in maintaining international peace and security | |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| | on the Sudan | 5517 | 29 August 2006 |
| | | 5520 | 11 September 2006 |
| | Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security | 5649 | 28 March 2007 |
| | The role of regional and subregional organizations in the maintenance of international peace and security | 5776 | 6 November 2006 |
| Mr. Amre Moussa, Secretary-General | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| | Civilian aspects of conflict management and peacebuilding | 5041 | 22 September 2004 |
| | The situation in the Middle East | 5508 | 8 August 2006 |
| | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| North Atlantic Treaty Organization | | | |
| Mr. Robert F. Simmons, Deputy Assistant Secretary-General for Political Affairs | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| Mr. Jaap de Hoop Scheffer, Secretary-General | The situation in Bosnia and Herzegovina | 5075 | 11 November 2004 |
| | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Mr. Martin Erdmann, Assistant Secretary-General for Political Affairs and Security Policy | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| Organization for Security and Cooperation in Europe | | | |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| Mr. Solomon Passy, Chairman-in-Office and Minister for Foreign Affairs of Bulgaria | Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe | 4964 | 7 May 2004 |
| | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| Mr. Dimitrij Rupel, Chairman-in-Office and Minister for Foreign Affairs of Slovenia | Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe | 5134 | 4 March 2005 |
| Mr. Marc Perrin de Brichambaut, Secretary-General | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| Mr. Karel de Gucht, Chairman-in-Office and Minister for Foreign Affairs of Belgium | Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe | 5346 | 16 January 2006 |
| | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Mr. Miguel Ángel Moratinos Cuyaubé, Chairman-in-Office and Minister for Foreign Affairs and Cooperation of Spain | Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe | 5751 | 28 September 2007 |
| Organization of American States | | | |
| Mr. Luigi R. Einaudi, Acting Secretary-General | The question concerning Haiti | 5110 | 12 January 2005 |
| Mr. Albert Ramdin, Assistant Secretary-General | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5282 | 17 October 2005 |
| Mr. Albert Ramdin, Deputy Secretary-General | The question concerning Haiti | 5397 | 27 March 2006 |
| Mr. José Miguel Insulza, Secretary-General | Cooperation between the United Nations and regional organizations in maintaining | 5529 | 20 September 2006 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| international peace and security | | | |
| Organization of the Islamic Conference | | | |
| Mr. Mokhtar Lamani, Permanent Observer of the Organization of the Islamic Conference | Cooperation between the United Nations and regional organizations in stabilization processes | 5007 | 20 July 2004 |
| Mr. Syed Shahid Husain, senior adviser at the Permanent Observer Mission of the Organization of the Islamic Conference | The situation in the Middle East, including the Palestinian question | 5230 | 21 July 2005 |
| Mr. Ekmeleddin Ihsanoglu, Secretary-General | Cooperation between the United Nations and regional organizations in maintaining international peace and security | 5529 | 20 September 2006 |
| Mr. Abdul Wahab, Permanent Observer to the United Nations | Reports of the Secretary-General on the Sudan | 5517 | 26 August 2006 |
| | | 5520 | 11 September 2006 |
| | Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security | 5649 | 28 March 2007 |
| | The role of regional and subregional organizations in the maintenance of international peace and security | 5776 | 6 November 2007 |
| World Customs Organization | | | |
| Mr. Michael Schmitz, Director for Compliance and Facilitation | Non-proliferation of weapons of mass destruction | 5635 | 23 February 2007 |

D. Invitations under rule 39 to other invitees

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|-------------------|
| African Centre for the Constructive Resolution of Disputes | | | |
| Mr. Vasu Gounden, founder and Executive Director | The role of civil society in conflict prevention and the pacific settlement of disputes | 5264 | 20 September 2005 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|--|---|----------------|-------------------|
| CARE International | | | |
| Mr. Denis Caillaux, Secretary-General | Role of civil society in post-conflict peacebuilding | 4993 | 22 June 2004 |
| Columbia University | | | |
| Mr. Andrea Bartoli, Chair of the Columbia University Seminar on Conflict Resolution and faculty coordinator of the Columbia University Conflict Resolution Network | The role of civil society in conflict prevention and the pacific settlement of disputes | 5264 | 20 September 2005 |
| Dushirehamwe Association | | | |
| Mrs. Christine Miturumbwe, Coordinator | Women and peace and security | 5556 | 26 October 2006 |
| European Centre for Conflict Prevention | | | |
| Mr. Paul van Tongeren, Executive Director | The role of civil society in conflict prevention and the pacific settlement of disputes | 5264 | 20 September 2005 |
| Haiti, President-elect of | | | |
| Mr. René Préval | The question concerning Haiti | 5397 | 27 March 2006 |
| International Center for Transitional Justice | | | |
| Mr. Ian Martin, Vice-President | Role of civil society in post-conflict peacebuilding | 4993 | 22 June 2004 |
| International Committee of the Red Cross | | | |
| Mr. Jacques Forster, Vice-President | The protection of civilians in armed conflict | 5319 | 9 December 2005 |
| Mr. Angelo Gnaedinger, Director-General | The protection of civilians in armed conflict | 5781 | 20 November 2007 |
| Facilitator of the Burundi Peace Process and Minister of Safety and Security of South Africa | | | |
| Mr. Charles Nqakula | The situation in Burundi | 5786 | 28 November 2007 |
| Network of African Women for Peace | | | |
| Ms. Hélène Dandi, Regional Adviser for West Africa | Women and peace and security | 5294 | 27 October 2005 |
| NGO Working Group on Women, Peace and Security | | | |
| Ms. Gina Torry, Coordinator | Women and peace and security | 5766 | 23 October 2007 |

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|---|----------------|------------------|
| Organization for the Prohibition of Chemical Weapons | | | |
| Mr. Rogelio Pfirter, Director-General | Non-proliferation of weapons of mass destruction | 5635 | 23 February 2007 |
| Rede Feto | | | |
| Ms. Maria Dias, President | Women and peace and security | 5556 | 26 October 2006 |
| Save the Children | | | |
| Mr. Gabriel Oling Olang | Children and armed conflict | 5573 | 28 November 2006 |
| Mr. Fatmir Sejdiu | Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999) | 5811 | 19 December 2007 |
| Siemens | | | |
| Mr. Heinrich von Pierer, President and Chief Executive Officer | The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943 | 15 April 2004 |
| Special Court for Sierra Leone | | | |
| Judge Emmanuel Ayoola, President | The situation in Sierra Leone | 5185 | 24 May 2005 |
| | | 5186 | 24 May 2005 |
| Justice George Gelaga King, President | The situation in Sierra Leone | 5690 | 8 June 2007 |
| Mr. Stephen Rapp, Prosecutor | The situation in Sierra Leone | 5690 | 8 June 2007 |
| Sudan People's Liberation Movement/Army | | | |
| Mr. John Garang de Mabior, Chairman | Reports of the Secretary-General on the Sudan | 5120 | 8 February 2005 |
| | | 5080 | 18 November 2004 |
| | | 5082 | 19 November 2004 |
| Watchlist on Children and Armed Conflict | | | |
| Mr. Bukeni Beck | Children and armed conflict | 5494 | 24 July 2006 |
| Women for Women International | | | |
| Ms. Sweeta Noori, Country Director for Afghanistan | Women and peace and security | 5294 | 27 October 2005 |
| Women's Network for the Protection of Human Rights and Peace | | | |
| Ms. Agathe Rwankuba, Legal Adviser | Women and peace and security | 5066 | 28 October 2004 |

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, with a primary focus on Article 27 of the Charter and rule 40 of the provisional rules of procedure.¹

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.*

Rule 40

Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

Part I presents developments in procedures related to decision-making and voting. Part II covers instances in which the procedural or non-procedural nature of a decision is indicated by the results of the vote taken on it. Part III is concerned with the Council actually voting upon whether a matter is procedural or non-procedural. During the period under review, no such vote was taken. Part IV covers 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.

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. More detailed material on voting by the Council in connection with the applications for admission to membership in the United Nations is contained in Chapter VII.

Part I

Procedures relating to decision-making and voting

Note

During the period under review, the Council reiterated procedures relating to decision-making, and there was some discussion in the Council on the broader decision-making process.²

In a note by the President of 19 July 2006,³ the members of the Council reaffirmed that all members of the Security Council should be allowed to participate fully in the preparation of, inter alia, the resolutions, presidential statements and press statements of the Council. It was reaffirmed that the drafting of all documents such as resolutions and presidential statements, as well as press statements, should be carried out in a manner that would allow adequate participation of all members of the Council.

The members of the Council indicated their intention to continue to informally consult with the broader United Nations membership, in particular interested Member States, including countries directly involved or specifically affected, neighbouring States and countries with particular contributions to make, as well as with regional organizations and Groups of Friends, when drafting, inter alia, resolutions, presidential statements and press statements, as appropriate.

The members of the Council further agreed to consider making draft resolutions and presidential statements as well as other draft documents available as appropriate to non-members of the Council as soon as such documents were introduced within informal consultations of the whole, or earlier, if so authorized by the authors of the draft document.

At meetings of the Council, various Member States called for greater participation in the decision-making process. During discussion of the item “United

Nations peacekeeping operations” at the 4970th meeting, on 17 May 2004, the representative of Japan stated that “... reform is necessary in order to involve in the Security Council decision-making process those countries contributing human, material, financial and other resources”.⁴ The representative of Romania agreed that “improving the basis for decision-making in the Security Council by identifying ways and means to involve stakeholders would create a considerable additional incentive for the general United Nations membership to support peacekeeping operations”.⁵

At the same meeting, focusing specifically on troop-contributing countries and peacekeeping mandates, the representative of Algeria emphasized that “if since the adoption of resolution 1353 (2001) briefings are now being organized regularly between the Council and troop-contributing countries every time a mission mandate is renewed, more should be done to take into account the concerns of those countries and involve them in the decision-making process to define or change the mandate of an operation to which their military units are committed”.⁶ Pointing out the significance of available resources in peacekeeping decisions, the representative of the Philippines observed that “despite all the merits of a United Nations rapid deployment capability, such as deterring the further escalation of conflicts, the final arbiter in decision-making is the availability of United Nations resources”.⁷

Many calls were made in the Council during the period for greater consultation with regional organizations.⁸ At the 5261st meeting, held at the Summit level on 14 September 2005 to discuss “Threats to international peace and security”, the Council adopted resolution 1625 (2005) wherein it requested the Secretary-General to promote coordination with regional conflict management machinery in Africa which would provide the Security Council with additional reliable and timely information

² Discussion also occurred at workshops for newly elected and current Security Council members, which were held outside of the Council Chambers (see S/2005/228, S/2006/483, S/2007/137 and S/2008/195).

³ S/2006/507, annex, paras. 41-43. As stated in the note, the material in those paragraphs, which covers resolutions and presidential statements, is recollected from previous note(s) by the President of the Security Council.

⁴ S/PV.4970 (Resumption 1), p. 4.

⁵ S/PV.4970, p. 11.

⁶ *Ibid.*, p. 13.

⁷ *Ibid.*, p. 20.

⁸ For a more in-depth consideration of regional arrangements, see chap. XII, part III, sect. D.

to facilitate rapid decision-making.⁹ A few months earlier, the representative of Benin, at the wrap-up discussion on the work of the Security Council for the current month on 30 March 2005, emphasized that a regular exchange of information with regional African organizations would provide the Council with reliable and timely information to facilitate rapid decision-making.¹⁰ At that same meeting, the representative of Romania considered that value could be added to the Council's decision-making on African issues by increased use of the capacities provided by the Special Adviser to the Secretary-General for Special Assignments in Africa, the Special Adviser to the

Secretary-General on Africa, or the Office of the Special Representative of the Secretary-General for West Africa.¹¹

The inclusion of non-State stakeholders in the deliberative process was also mentioned during the period. At the 4890th meeting, held on 28 May 2004 to consider the item "Complex crises and the United Nations response", the representative of Germany noted that "while decision-making in the United Nations will remain the business of Governments, the integration of non-State stakeholders and non-State expertise in the deliberative process is in everybody's best interest: in the interest of informed decision-making and in the interest of popular acceptance".¹²

⁹ Resolution 1625 (2005), para. 3 (c).

¹⁰ S/PV.5156, p. 19.

¹¹ *Ibid.*, p. 4.

¹² S/PV.4890, p. 26.

Part II

Procedural and non-procedural matters

Note

Most votes in the Council do not indicate by themselves whether the Council considers the matter voted upon as procedural or non-procedural. This is the case, for instance, 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. However, the record of voting may be conclusive in this respect when a proposal obtains nine or more votes, 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 non-procedural character of the matter.

During the period under review, there were two instances in which the vote indicated the procedural character of the matter under consideration, and six instances in which the vote indicated the non-procedural character.

A. Cases in which the vote indicated the procedural character of the matter

| <i>Agenda item</i> | <i>Meeting and date</i> | <i>Proposal</i> | <i>Vote</i> | <i>Permanent members casting negative vote^a</i> |
|---|---------------------------|------------------------|---|--|
| Letters dated 26 July 2005 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 | 5237 27 July 2005 | Adoption of the agenda | Proposal adopted by 9 votes to 5, with 1 abstention | China, Russian Federation |
| The situation in Myanmar | 5526 15 September 2006 | Adoption of the agenda | Proposal adopted by 10 votes to 4, with 1 abstention. | China, Russian Federation |

^a For the context and explanations of vote, see chapter II, case studies 1 and 2.

B. 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 (in each case, the proposal was defeated)</i> | <i>Permanent members casting negative vote^a</i> |
|--|-------------------------|--|---------------------------------|---|--|
| The situation in the Middle East, including the Palestinian question | 4934 25 March 2004 | S/2004/240 | Algeria, Libyan Arab Jamahiriya | 11-1-3 | United States |
| The situation in Cyprus | 4947 21 April 2004 | S/2004/302 | United Kingdom, United States | 14-1-0 | Russian Federation |
| The situation in the Middle East, including the Palestinian question | 5051 5 October 2004 | S/2004/783 | Algeria, Pakistan, Tunisia | 11-1-3 | United States |

| <i>Agenda item</i> | <i>Meeting and date</i> | <i>Proposals (draft resolutions, etc.)</i> | <i>Submitted by</i> | <i>Vote (in each case, the proposal was defeated)</i> | <i>Permanent members casting negative vote^a</i> |
|--|--------------------------|--|----------------------------------|---|--|
| The situation in the Middle East, including the Palestinian question | 5488 13 July 2006 | S/2006/508 | Qatar | 10-1-4 | United States |
| The situation in the Middle East, including the Palestinian question | 5565 11 November 2006 | S/2006/878 | Qatar | 10-1-4 | United States |
| The situation in Myanmar | 5619 12 January 2007 | S/2007/14, as orally revised | United Kingdom, United States | 9-3-3 | China, Russian Federation |

^a For the context and explanations of vote, see the relevant case studies in chapter VIII.

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

Note

On certain occasions the Security Council has found it necessary to decide, by vote, the question whether or not the matter under consideration was procedural within the meaning of Article 27 (2). This question has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, “the preliminary question”.

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

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 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) which requires abstention by a party to a dispute; and (b) in circumstances when a permanent 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.

In the period under review, there was no instance in which a member abstained in accordance with the proviso to Article 27 (3).

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

Listed below are those instances in which permanent members voluntarily abstained from voting. During the period under review, there were no instances of non-participation by permanent members or of votes taken in their absence.

Cases in which permanent members abstained otherwise than in accordance with the proviso to Article 27, paragraph 3

| <i>Proposals and resolutions</i> | <i>Agenda item</i> | <i>Meeting and date</i> | <i>Vote</i> | <i>Abstaining</i> |
|---|--|-------------------------|-------------|-------------------|
| S/2004/240 (not adopted owing to the negative vote of a permanent member) | The situation in the Middle East, including the Palestinian question | 4934 25 March 2004 | 11-1-3 | United Kingdom |
| 1544 (2004) | The situation in the Middle East, including the Palestinian question | 4972 19 May 2004 | 14-0-1 | United States |

| <i>Proposals and resolutions</i> | <i>Agenda item</i> | <i>Meeting and date</i> | <i>Vote</i> | <i>Abstaining</i> |
|---|--|---------------------------|-------------|--|
| 1556 (2004) | Reports of the Secretary-General on the Sudan | 5015 30 July 2004 | 13-0-2 | China (and elected member Pakistan) |
| 1559 (2004) | The situation in the Middle East | 5028 2 September 2004 | 9-0-6 | Russian Federation (and elected members Algeria, Brazil, China, Pakistan, Philippines) |
| 1564 (2004) | Reports of the Secretary-General on the Sudan | 5040 18 September 2004 | 11-0-4 | China, Russian Federation (and elected members Algeria, Pakistan) |
| S/2004/783 (not adopted owing to the negative vote of a permanent member) | The situation in the Middle East, including the Palestinian question | 5051 5 October 2004 | 11-1-3 | United Kingdom (and elected members Germany, Romania) |
| 1591 (2005) | Reports of the Secretary-General on the Sudan | 5153 29 March 2005 | 12-0-3 | China, Russian Federation (and elected member Algeria) |
| 1593 (2005) | Reports of the Secretary-General on the Sudan | 5158 31 March 2005 | 11-0-4 | China, United States (and elected members Algeria, Brazil) |
| 1680 (2006) | The situation in the Middle East | 5440 17 May 2006 | 13-0-2 | China, Russian Federation |
| S/2006/508 (not adopted owing to the negative vote of a permanent member) | The situation in the Middle East, including the Palestinian question | 5488 13 July 2006 | 10-1-4 | United Kingdom (and elected members Denmark, Peru, Slovakia) |
| 1706 (2006) | Reports of the Secretary-General on the Sudan | 5519 31 August 2006 | 12-0-3 | China, Russian Federation (and elected member Qatar) |
| S/2006/878 (not adopted owing to the negative vote of a permanent member) | The situation in the Middle East, including the Palestinian question | 5565 11 November 2006 | 10-1-4 | United Kingdom (and elected members Denmark, Japan, Slovakia) |
| 1757 (2007) | The situation in the Middle East | 5685 30 May 2007 | 10-0-5 | China, Russian Federation (and elected members Indonesia, Qatar, South Africa) |

| <i>Proposals and resolutions</i> | <i>Agenda item</i> | <i>Meeting and date</i> | <i>Vote</i> | <i>Abstaining</i> |
|----------------------------------|-------------------------------|---------------------------|-------------|--------------------|
| 1762 (2007) | The situation concerning Iraq | 5710 29 June 2007 | 14-0-1 | Russian Federation |
| 1776 (2007) | The situation in Afghanistan | 5744 19 September 2007 | 14-0-1 | Russian Federation |

Part V

Adoption of resolutions and decisions without a vote

Note

During the period under review, most procedural motions at meetings of the Council were adopted without a vote, the two exceptions being votes on the adoption of the agenda noted in part II.A of this chapter. Four resolutions were also adopted without a vote: resolution 1571 (2004), concerning the date of election to fill a vacancy in the International Court of Justice, and resolution 1691 (2006), concerning admission of new Members, were described by the President as being adopted “without a vote”. Resolution 1715 (2006), concerning the recommendation for the appointment of the Secretary-General, and resolution 1733 (2006), a tribute to the outgoing Secretary-General Kofi Annan, were adopted by “acclamation”.¹³ Of the remaining 269 resolutions that were adopted by a vote (six draft resolutions, as indicated in part II.B, were voted upon but not adopted owing to the negative votes of one or more permanent

members), 260 were adopted unanimously.¹⁴ A majority of the latter (178) consisted of texts “prepared in the course of the Council’s prior consultations”; the remaining texts were submitted by one or more delegations. The only resolution adopted at a closed meeting during the period was that by which the Council recommended the appointment of a Secretary-General, resolution 1715 (2006).

No votes were taken on decisions which took the form of statements by the President on behalf of the Council. These “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 read out at a formal meeting of the Council, while others were simply issued in written form. In the period 2004-2007, of 224 statements, only one, while referred to, was not read out at a formal meeting.¹⁵ On several occasions, a presidential statement was read out immediately following the adopting of a resolution, as a complementary text. This was the case, in accordance with the usual practice, in connection with resolutions adopted on the admission of new Members and on the

¹³ Resolution 1571 (2004) was adopted on 4 November 2004 (5070th meeting); resolution 1691 (2006) was adopted on 22 June 2006 (5473rd meeting); resolution 1715 (2006) was adopted on 9 October 2006 at a closed meeting (5547th) and resolution 1733 (2006) was adopted on 9 October 2006 (5607th meeting).

¹⁴ 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.4987 (with respect to resolution 1546 (2004) on the situation between Iraq and Kuwait); S/PV.5093 (with respect to resolution 1577 (2004) on the situation in Burundi); S/PV.5297 (a ministerial-level meeting with respect to resolution 1636 (2005) on the situation in the Middle East); S/PV.5406 (with respect to resolution 1667 (2006) on the situation in Liberia); S/PV.5727 (with respect to resolution 1769 (2007) on the reports of the Secretary-General on the Sudan).

¹⁵ S/PRST/2006/39.

extensions of the mandate of the United Nations Disengagement Observer Force.¹⁶

Many decisions, largely of a procedural or operative nature, were also recorded in letters and notes by the President of the Council. No votes were

¹⁶ See S/PV.4998 (resolution 1550 (2004) and S/PRST/2004/3); S/PV.5101 (resolution 1578 (2004) and S/PRST/2004/47); S/PV.5205 (resolution 1605 (2005) and S/PRST/2005/24); S/PV.5339 (resolution 1648 (2005) and S/PRST/2005/65); S/PV.5456 (resolution 1685 (2006) and S/PRST/2006/26); S/PV.5473 (resolution 1691 (2006) and S/PRST/2006/27); S/PV.5596 (resolution 1729 (2006) and S/PRST/2006/54); S/PV.5698 (resolution 1759 (2007) and S/PRST/2007/20); and S/PV.5802 (resolution 1788 (2007) and S/PRST/2007/48).

taken on those notes and letters. However, at the 5092nd meeting, held on 30 November 2004 to consider the situation between Iraq and Kuwait, the President drew the attention of the Council to the draft of a letter which he proposed to send to the Secretary-General to inform him that the Council specifically endorsed the creation of a trust fund in connection with the security arrangements for the United Nations Assistance Mission for Iraq. In the absence of any objection, the President took it that the Council agreed to that proposal.¹⁷

The texts of all resolutions, presidential statements and procedural decisions taken at Security Council meetings, as well as decisions contained in notes or letters by the President, are published in the yearly volumes of *Resolutions and Decisions of the Security Council*.¹⁸

¹⁷ S/PV.5092, p. 2. The letter was subsequently circulated under the symbol S/2004/93.

¹⁸ S/INF/59, for 2003/04; S/INF/60, for 2004/05; S/INF/61, for 2005/06; S/INF/62, for 2006/07; and S/INF/63, for 2007/08. The decisions are organized by agenda item.

Chapter V

Subsidiary organs of the Security Council

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Introductory note

This chapter covers procedures of the Security Council relating to the establishment and monitoring 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.

The period from 2004 to 2007 saw the Council mandate the establishment of a wide variety of new subsidiary bodies. These included seven peacekeeping operations, six political missions, one regional office, six committees to oversee the implementation of measures adopted pursuant to Article 41 or other tasks, one Ad Hoc Committee, two informal working groups, two investigative bodies, a commission of experts, one tribunal, and, in conjunction with the General Assembly, a Peacebuilding Commission.

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 seven main categories, reflecting their main character or functions: (a) standing and ad hoc committees; (b) committees to oversee the implementation of measures adopted pursuant to Article 41 and other committees;¹ (c) informal and ad hoc working groups; (d) investigative bodies and tribunals; (e) ad hoc commissions; (f) peacekeeping operations, political missions and regional offices and (g) the Peacebuilding Commission. Three peacekeeping and six political missions were terminated during the period under review, as were one ad hoc committee, two ad hoc commissions and one informal working group. This is reflected in part II. Part III describes one instance in which a subsidiary organ was formally proposed but not established.

In a note by the President of the Council of 19 July 2006,² the Council outlined several measures to enhance the effectiveness and transparency of the work of its subsidiary bodies. More specifically, the note outlined the following measures:

The members of the Security Council encourage the Chairs of all subsidiary bodies to continue to report to the Council on any outstanding issues, when necessary and in any event on a regular basis, in order to receive strategic guidance from the Council.

The members of the Security Council encourage subsidiary bodies of the Council to seek the views of Member States with strong interest in their areas of work. The members of the Security Council in particular encourage sanctions committees to seek the views of Member States that are particularly affected by the sanctions.

¹ For decisions and discussions relating to Article 41, see also chap. XI, part III.

² S/2006/507.

The members of the Security Council encourage Chairs of the subsidiary bodies of the Council to make the schedules of meetings of subsidiary bodies available to the public, when appropriate, through their websites and the *Journal of the United Nations*.

The members of the Security Council welcome the participation in the meetings of the Security Council Working Group on Peacekeeping Operations by the Secretariat, troop-contributing countries and other major stakeholders, and encourage this practice in order to foster closer cooperation between the Council and those actors.

During the period under review, the Council held a number of meetings under the item “Briefings by Chairmen of subsidiary bodies of the Security Council” at which it heard briefings by the Chairmen of various subsidiary bodies. The table provides a complete list of such briefings.

Briefings by Chairmen of subsidiary bodies

| <i>Meeting</i> | <i>Date</i> | <i>Briefings by Chairmen</i> |
|-------------------|------------------|---|
| 5106 ^a | 22 December 2004 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1521 (2003) concerning Liberia; and resolution 1572 (2004) concerning Côte d’Ivoire; and Ad Hoc Working Group on Conflict Prevention and Resolution in Africa |
| 5168 | 25 April 2005 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5229 | 20 July 2005 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5293 | 26 October 2005 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5332 | 19 December 2005 | Security Council Committees established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo; resolution 918 (1994) concerning Rwanda; resolution 1132 (1997) concerning Sierra Leone; resolution 751 (1992) concerning Somalia; resolution 1518 (2003); and resolution 1540 (2004); Ad Hoc Working Group on Conflict Prevention and Resolution in Africa; and Working Group established pursuant to resolution 1566 (2004) |
| 5375 | 21 February 2006 | Security Council Committees established pursuant to resolution 1373 (2001) concerning counter-terrorism; resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; and resolution 1540 (2004) |

| <i>Meeting</i> | <i>Date</i> | <i>Briefings by Chairmen</i> |
|----------------|-------------------|--|
| 5538 | 28 September 2006 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5601 | 20 December 2006 | Security Council Committees established pursuant to resolution 918 (1994) concerning Rwanda; resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; resolution 1521 (2003) concerning Liberia; resolution 1572 (2004) concerning Côte d' Ivoire; resolution 1591 (2005) concerning the Sudan; resolution 1636 (2005); and resolution 1132 (1997) concerning Sierra Leone; Informal Working Group on Documentation and Other Procedural Questions; and Working Group on Peacekeeping Operations |
| 5679 | 22 May 2007 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5779 | 14 November 2007 | Security Council Committees established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; resolution 1373 (2001) concerning counter-terrorism; and resolution 1540 (2004) |
| 5806 | 17 December 2007 | Security Council Committees established pursuant to resolution 1518 (2003); resolution 1533 (2004) concerning the Democratic Republic of the Congo; resolution 1132 (1997) concerning Sierra Leone; resolution 1521 (2003) concerning Liberia; resolution 1540 (2004); Informal Working Group on Documentation and Other Procedural Questions; Ad Hoc Committee on Mandate Review; Ad Hoc Working Group on Conflict Prevention and Resolution in Africa; and Working Group established pursuant to resolution 1566 (2004) |

^a This meeting was held under the item entitled "Briefings by Chairmen of Security Council Committees and Working Groups".

Part I

Subsidiary organs of the Security Council established or continuing during the period 2004-2007

A. Standing and ad hoc committees

Note

During the period 2004 to 2007, the Committee of Experts on Rules of Procedure, established by the Security Council at the 1506th meeting, which studies the question of associate membership, 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 application for admission to membership in the United Nations of the Republic of Montenegro, referred to it by the Council under rule 59 of the Council's provisional rules of procedure.³

During this period, the Council also established one new ad hoc committee, the Ad Hoc Committee on Mandate Review.

Ad Hoc Committee on Mandate Review

By a letter dated 16 May 2006 to the Secretary-General,⁴ the President of the Security Council informed the Secretary-General about the decision of the members of the Council to establish an Ad Hoc Committee on Mandate Review to conduct the review of Council mandates called for by Heads of State and Government in the 2005 World Summit Outcome⁵ and to follow up on the recommendations contained in the report of the Secretary-General entitled "Mandating and delivering".⁶

The Committee, consisting of all members of the Council, had two Co-Chairs. The Council also welcomed the participation of a senior member of the Secretary-General's staff in relevant meetings of the Committee to answer questions on those aspects of the Secretary-General's report that specifically related to

Council mandates, as well as the continuing assistance of the Secretariat in providing substantive services throughout the process of mandate review.⁷ At its 5806th meeting, on 17 December 2007, the Council heard a briefing on the work of the Committee.

By a letter dated 28 December 2007 addressed to the Secretary-General,⁸ the President of the Council announced the accomplishment of the main goals of the Ad Hoc Committee on Mandate Review and the conclusion of its work.

B. Security Council committees established under Chapter VII of the Charter

Note

During the period under review, the Security Council established several committees to monitor the implementation of measures or to perform other tasks adopted pursuant to Chapter VII of the Charter and extended the mandate of previously established ones.⁹ The committees consisted of all 15 members of the Council and held their meetings in private, unless a committee itself decided otherwise, and reached their decisions by consensus. The bureaux of the committees, generally consisting of a Chairman and Vice-Chairman, were elected by the Council annually and announced in notes by the President of the Council.¹⁰

This section deals first with 12 Security Council committees established to monitor specific sanctions measures. It then deals with two other Council

⁷ See S/2006/354.

⁸ S/2007/770. See also the report of the Security Council to the General Assembly covering the period from 1 August 2007 to 31 July 2008 (A/63/2), part VI, chap. 22.

⁹ The primary responsibility of the implementation of these measures rests with Member States.

¹⁰ For the bureaux of the committees during the period under review, see S/2004/4, S/2004/280, S/2004/436, S/2004/472, S/2004/770, S/2004/950, S/2005/3, S/2005/297, S/2005/734, S/2006/7, S/2006/66, S/2006/833, S/2006/846, S/2007/20, S/2007/461 and S/2007/635.

³ The recommendations made by the Committee and the Council concerning admissions are considered in chapter VII.

⁴ S/2006/354.

⁵ General Assembly resolution 60/1.

⁶ A/60/733 and Corr.1.

committees with broader mandates (“other committees”). Within each category, the committees are considered in the order of their establishment. The subsidiary bodies whose work is closely linked with that of the committees are included with the relevant committees.

Security Council committees monitoring specific sanctions measures

From 2004 to 2007, the Council established six new committees to supervise the implementation of measures adopted under Chapter VII of the Charter against the Democratic Republic of the Congo,¹¹ Côte d’Ivoire,¹² the Sudan,¹³ the Democratic People’s Republic of Korea¹⁴ and the Islamic Republic of Iran.¹⁵ During the same period, the Council oversaw a total of 12 committees, including committees that had been established in prior periods.¹⁶

In addition, on several occasions, the Council requested the Secretary-General to establish monitoring bodies, in the forms of panels or committees of experts and monitoring groups or mechanisms, to assist the work of committees or to look into the question of the illegal exploitation of natural resources.¹⁷ To develop general recommendations on how to improve the effectiveness of United Nations sanctions, the Council also decided to extend the mandate of its Informal

Working Group on General Issues of Sanctions until the end of 2006.¹⁸

During the period under review, the Council, acting under Chapter VII of the Charter, established 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 the committees were mandated to undertake, during the period under review, included (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 request 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 to maintain such a list, and (g) making recommendations to the Council on how to improve the effectiveness of the measures.

The Council also adopted several resolutions under the item “General issues related to sanctions” that affected the general mandate of the committees or their general functioning.¹⁹ By resolution 1730 (2006) of 19 December 2006, the Council adopted a procedure to receive requests for de-listing, requested the Secretary-General to establish within the Secretariat (Security Council Subsidiary Organs Branch) a focal point to receive such requests and to perform the tasks below, and directed the sanctions committees to revise their guidelines accordingly. The focal point would receive a de-listing request from a petitioner, determine if it was a repeat request, and forward the request to the designating Government(s) and to the Government(s) of citizenship and residence. If any of those Governments recommended de-listing, that Government would forward its recommendation either through the focal point or directly to the Chairman of the relevant sanctions Committee, and the Chairman would then place the de-listing request on the Committee’s agenda. The focal point would also inform the Committee of any opposition to the request.

¹¹ Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

¹² Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d’Ivoire.

¹³ Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan.

¹⁴ Security Council Committee established pursuant to resolution 1718 (2006).

¹⁵ Security Council Committee established pursuant to resolution 1737 (2006).

¹⁶ These were the Security Council Committees established pursuant to resolutions 751 (1992) concerning Somalia, 918 (1994) concerning Rwanda; 1132 (1997) concerning Sierra Leone; 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities; 1518 (2003); and 1521 (2003) concerning Liberia.

¹⁷ Monitoring bodies were established in connection with the measures imposed against the Democratic Republic of the Congo, Côte d’Ivoire and the Sudan.

¹⁸ For details, see sect. C below.

¹⁹ The report of the Informal Working Group on General Issues of Sanctions, containing recommendations on how to improve the effectiveness of sanctions, is contained in document S/2006/997.

If none of the Governments consulted commented, any member of the Committee could, after consultation with the designated Government(s), recommend de-listing by forwarding the request to the Chairman. If, after one month, no Committee member recommended de-listing, then it would be deemed rejected. The focal point would also convey all communications that it received from Member States to the Committee and inform the petitioner of the decision of the sanctions Committee to grant or not grant the de-listing.²⁰ By resolution 1699 (2006), the Council noted that cooperation with the International Criminal Police Organization (INTERPOL) could benefit the sanctions committees established by the Council, and requested the Secretary-General to take the necessary steps to increase cooperation between the United Nations and INTERPOL in order to provide the Committees with better tools, and allow them to fulfil their mandates more effectively.²¹

In accordance with the transparency measures outlined by the President of the Council in his note of 29 March 1995,²² committees continued to submit their annual reports to the Council. In some instances, the Council decided to send a mission of a Committee to the region concerned to demonstrate the Council's determination to give full effect to the measures imposed.

It should be noted that for clarification purposes only and when required, summarized descriptions of the mandatory measures, based on their nature, are included — for example, arms embargo, assets freeze, travel restrictions, diamond ban, petroleum embargo, restriction of air traffic, and 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 Supplement.

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

During the period under review, the Committee established pursuant to resolution 751 (1992)

²⁰ Resolution 1730 (2006), paras. 1 and 2.

²¹ Resolution 1699 (2006), fourth preambular paragraph and para. 1.

²² S/1995/234.

concerning Somalia continued to monitor the arms embargo imposed by resolution 733 (1992).

Mandate implementation

By resolution 1587 (2005) of 15 March 2005, the Council requested the Committee to consider sending a mission, led by its Chairman, to Somalia and the region to demonstrate the Council's determination to give full effect to the arms embargo.²³ The Chairman visited the region, specifically Kenya, Ethiopia and Yemen, from 26 November to 4 December 2005.²⁴ By resolution 1676 (2006), the Council again requested the Committee to consider a visit to Somalia or the region.²⁵ By resolutions 1744 (2007) of 20 February 2007 and 1772 (2007) of 20 August 2007, the Council adopted exemptions to the arms embargo that were to be approved by the Committee on a case-by-case basis.²⁶

Monitoring and reporting

The Committee submitted four annual reports covering the period under review, which, inter alia, dealt with its activities as well as those of the Monitoring Group.²⁷ In particular, the Committee underlined its active engagement in the implementation of the arms embargo in Somalia. It further observed that, despite intensified fighting in Somalia, its commitment remained high, as did its support for the Monitoring Group and its readiness to engage in dialogue with States as its 2005 mission in the region had demonstrated.

During the period under review, the Council re-established six times, for periods of six months, the Monitoring Group established by resolution 1519 (2003) of 16 December 2003 with a mandate focused on the ongoing violations of the arms embargo, including transfers of ammunition, single-use weapons, and small arms. The Council also requested the Committee, in consultation with the Monitoring Group, to consider ways to improve the arms embargo in response to continuing violations and to assist in identifying areas where the capacities of States in the

²³ Such a request was reiterated in resolution 1630 (2005).

²⁴ S/2005/813, para. 17.

²⁵ Resolution 1676 (2006), para. 7.

²⁶ Resolutions 1744 (2006), para. 5, and 1772 (2007), para. 11.

²⁷ S/2004/1017, S/2005/813, S/2007/154 and S/2007/761.

region could be strengthened to facilitate the implementation of the arms embargo.²⁸ The Group produced six reports,²⁹ in which, observing that the situation in Somalia was worsening and violations of the embargo continuing, it provided a number of recommendations on improving implementation of the arms embargo, but noted that successful implementation of the recommendations depended on the establishment of a viable government in Somalia.

2. 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 imposed by that resolution and modified by resolution 1011 (1995).³⁰

Mandate implementation

By resolution 1749 (2007) of 28 March 2007, the Council, acting under Chapter VII of the Charter, decided to terminate the measures imposed by paragraph 11 of resolution 1011 (1995) regarding the transfer of arms or related material to Rwanda.³¹ The Committee continued to monitor the remaining measures contained in paragraphs 9 and 10 of resolution 1011 (1995).

Monitoring and reporting

²⁸ Resolutions 1558 (2004), paras. 3 and 6; 1587 (2005), paras. 3 and 6; 1630 (2005), paras. 3 and 6; 1676 (2006), paras. 3 and 6; 1724 (2006), paras. 3 and 6; and 1766 (2007), paras. 3 and 6. See also the letters from the Secretary-General appointing the experts (S/2004/73, S/2005/229, S/2005/695, S/2006/313, S/2006/986, S/2007/575 and S/2007/667).

²⁹ S/2004/604, S/2005/153, S/2005/625, S/2006/229, S/2006/913 and S/2007/436.

³⁰ 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), all States were required to continue to implement the foregoing restrictions with a view to preventing the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda.

³¹ Resolution 1749 (2007), para. 1.

During the period under review, the Committee submitted five reports,³² in which it noted that no violations of the arms embargo had been brought to its attention, while observing that the Committee did not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo and that it relied solely on the cooperation of States and organizations in a position to provide pertinent information.

3. 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 concerning the arms embargo and travel restrictions imposed by resolution 1132 (1997).³³

Monitoring and reporting

During the period under review, the Committee submitted five annual reports, in which it provided information on the activities of the Committee and stated that no violations of the arms embargo had been brought to its attention.³⁴

4. 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 against Al-Qaida

³² S/2004/134, S/2005/76, S/2006/164, S/2006/1049 and S/2007/782.

³³ By resolution 1793 (2007) of 21 December 2007, para. 8, the Council, acting under Chapter VII of the Charter, decided to exempt from the measures imposed by paragraph 5 of resolution 1171 (1998) the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone was required.

³⁴ S/2004/166, S/2005/44, S/2005/843, S/2006/1043 and S/2007/777.

and the Taliban and associated individuals and entities.³⁵

Mandate implementation

By resolution 1526 (2004) of 30 January 2004, the Council decided to strengthen the mandatory measures that included an asset freeze, travel ban and arms embargo.³⁶ It also decided to strengthen the mandate of the Committee to include, in addition to the oversight of States' implementation of those measures, a role in assessing information for the Council's review as well as recommending improvements to the measures.³⁷ The Council requested the Committee to follow up with States regarding effective implementation of the sanctions measures and to provide States with an opportunity, at the request of the Committee, to send representatives to meet with the Committee for more in-depth discussion of relevant issues; to seek from States, as appropriate, status reports on the implementation of the measures concerning listed individuals and entities, specifically with respect to the aggregate amounts of the frozen assets of the listed individuals and entities; and to circulate to the Council a list of those States that had not submitted by 31 March 2004 reports pursuant to paragraph 6 of resolution 1455 (2003), including an analytical summary of the reasons put forward by States for not reporting.³⁸ Moreover, the Council decided to establish an Analytical Support and Sanctions Monitoring Team under the direction of the Committee.³⁹

By resolution 1617 (2005) of 29 July 2005, the Council decided that, when proposing names for the Consolidated List, States should also provide to the Committee a statement of case describing the basis of the proposal, and that the case could be used by the Committee in responding to queries from Member

States whose nationals, residents or entities had been included on the Consolidated List. It also decided that the Committee could decide on a case-by-case basis to release the information to other parties, with the prior consent of the designating State.⁴⁰ The Council also reiterated the need for ongoing close cooperation and exchange of information between the Committee, the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including enhanced information-sharing, coordinated visits to countries, technical assistance and other issues of relevance to all three committees.⁴¹

By resolution 1735 (2006) of 22 December 2006, the Council introduced additional rules in the de-listing procedure. Specifically, the Council decided that the Committee should consider, *inter alia*, names included in the Consolidated List due to a mistake of identity and whether the individual or entity no longer met the criteria set out in relevant resolutions.⁴²

The Committee revised its guidelines several times,⁴³ as requested by the Council.⁴⁴

Monitoring and reporting

The Committee submitted three annual reports⁴⁵ covering the period under review, by which, *inter alia*, it informed the Council of activities of the Committee and the Monitoring Team established pursuant to resolution 1526 (2004). During the period under review, the Committee took several trips⁴⁶ pursuant to the requests of the Security Council⁴⁷ to selected countries.

By resolution 1526 (2004) of 30 January 2004, the Council requested the Secretary-General to

³⁵ The name of the Committee was changed on 2 September 2003 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".

³⁶ Resolution 1526 (2004), para. 1. Resolution 1617 (2005) of 29 July 2005 did not modify the scope of the mandatory sanctions measures but provided clarification on the measures and their implementation.

³⁷ Resolution 1526 (2004), para. 2.

³⁸ *Ibid.*, paras. 11, 21 and 23.

³⁹ See "Monitoring and reporting" below for details.

⁴⁰ Resolution 1617 (2005), paras. 4 and 6.

⁴¹ *Ibid.*, para. 13. This call was repeated in resolution 1735 (2006), para. 27. For more information on cooperation among the three committees, see "Other committees" below.

⁴² Resolution 1735 (2006), para. 14.

⁴³ S/2004/1039, para. 11; S/2006/22, para. 11; and S/2007/59, para. 9.

⁴⁴ Resolutions 1617 (2005), para. 18; 1730 (2006), para. 2; and 1735 (2006), para. 17.

⁴⁵ S/2004/1039, S/2006/22 and S/2007/59.

⁴⁶ See S/2004/1039, para. 25; S/2006/22, para. 28; S/2007/59, para. 27.

⁴⁷ Resolution 1526 (2004), para. 10; resolution 1617 (2005), para. 15; and resolution 1735 (2006), para. 30.

establish, for a period of 18 months, a monitoring team with the mandate to, *inter alia*, assess and make recommendations on the implementation of the measures, pursue case studies and explore other matters as directed by the Committee.⁴⁸ The Council further requested the Monitoring Team to submit independent reports to the Committee on a six-monthly basis.⁴⁹ In accordance with its mandate, the Monitoring Team submitted seven reports to the Council through the Committee.⁵⁰ The mandate of the Monitoring Team was subsequently renewed for a period of 17 months by resolution 1617 (2005) and an additional period of 18 months by resolution 1735 (2006).⁵¹

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

During the period under review, the Committee established pursuant to resolution 1518 (2003) continued to fulfil its mandate 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, who were subject to the measures imposed by paragraph 23 of resolution 1483 (2003).

Monitoring and reporting

During the period under review, the Committee submitted three annual reports,⁵² by which it informed the Council, *inter alia*, about its activity updating the lists of individuals and entities whose funds and economic resources should be frozen, in accordance with paragraphs 19 and 23 of resolution 1483 (2003).⁵³

⁴⁸ Resolution 1526 (2004), paras. 6 and 7.

⁴⁹ *Ibid.*, para. 8.

⁵⁰ S/2004/679, S/2005/83, S/2005/572, S/2006/154, S/2006/750, S/2007/132 and S/2007/677.

⁵¹ Resolutions 1617 (2005), para. 19; and 1735 (2006), para. 32.

⁵² S/2004/1036, S/2005/827 and S/2007/51.

⁵³ The Committee held no meetings in 2007.

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

The Committee established pursuant to resolution 1521 (2003) continued to fulfil its mandate to oversee the implementation of the arms embargo, restrictions on the travel of individuals designated by the Committee, and prohibitions on the import of rough diamonds and timber products originating in Liberia.

Mandate implementation

By resolution 1532 (2004) of 12 March 2004, the Council imposed an asset freeze on selected individuals, specifically the President of Liberia, Charles Taylor, his immediate family and other associates.⁵⁴ The Council decided that the Committee should identify individuals and entities covered by the asset freeze and circulate to all States a list of the said individuals; maintain and regularly update the list; assist States in tracing and freezing the funds and assets of such individuals; and seek from all States information regarding the actions taken by them.⁵⁵

By resolution 1683 (2006) of 13 June 2006, the Council decided that the arms embargo would not apply to the weapons and ammunition already provided to the Special Security Service for training purposes on the basis of advance approval by the Committee, and to limited supplies of weapons and ammunition for members of the Government of Liberia police and security forces who had been vetted and trained since the inception of the United Nations Mission in Liberia in October 2003, as approved on a case-by-case basis by the Committee.⁵⁶

By resolution 1689 (2006) of 20 June 2006, the Council terminated the prohibition on the import of timber products originating in Liberia.⁵⁷ By resolution 1753 (2007) of 27 April 2007, the Council terminated the measures on diamonds, and encouraged the Kimberley Process Certification Scheme for diamonds to report to the Council through the Committee, on the application of Liberia to the Kimberley Process.⁵⁸

⁵⁴ Resolution 1532 (2004), para. 1.

⁵⁵ *Ibid.*, para. 4.

⁵⁶ Resolution 1683 (2006), paras. 1 and 2.

⁵⁷ Resolution 1689 (2006), para. 1.

⁵⁸ Resolution 1753 (2007), paras. 1 and 2.

Monitoring and reporting

The Committee submitted four annual reports⁵⁹ covering the period under review, which, inter alia, dealt with its activities as well as those of the Panel of Experts. In particular, the Committee provided an overview on the implementation of the relevant measures and highlighted that no violations were reported.

Panel of Experts

By resolution 1521 (2003), the Council requested the Secretary-General to establish a Panel of Experts with the mandate to, inter alia, report on the implementation of the Council's relevant measures. The Panel of Experts was re-established or its mandate extended on a six-month basis by a series of resolutions.⁶⁰ In accordance with its mandate, the Panel submitted 10 reports to the Council through the Committee and provided, inter alia, an assessment of the measures regarding diamonds, timber, travel ban, assets freeze and arms embargo, as well as the socioeconomic impact of such measures and the financial situation of Liberia.⁶¹

By resolution 1549 (2004) the Panel of Experts was mandated to conduct an assessment mission to Liberia and neighbouring States to investigate and report on violations of the arms embargo, travel ban, as well as diamonds and timber embargoes. Moreover, it was mandated to assess the progress made in the ceasefire, disarmament, demobilization, and control of diamonds and timber production and trade, as well as to monitor the implementation and enforcement of the measures and assess their socioeconomic and humanitarian impact.⁶² By subsequent resolutions, its mandate was expanded and the Committee was requested to cooperate with other relevant groups of experts,⁶³ assess the implementation of the forestry legislation,⁶⁴ identify and make recommendations

regarding areas where the capacity of States in the region to implement the measures could be strengthened,⁶⁵ monitor specific measures targeted on designated individuals, including former President Taylor,⁶⁶ and to assess the compliance of the Government of Liberia with the Kimberley Process Certification Scheme.⁶⁷

7. Security Council Committee established pursuant to resolution 1533 (2004)

Establishment

By resolution 1533 (2004) of 12 March 2004, the Council established a Committee to oversee the relevant measures imposed by resolution 1493 (2003), which included, inter alia, the ban of arms transfers to the Democratic Republic of the Congo and the prohibition of assistance from other countries to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not parties to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo.

Mandate

Pursuant to resolution 1533 (2004), the Committee was mandated, inter alia (a) to seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures, and to request from them whatever further information it might consider useful; (b) to examine, and to take appropriate action on, information concerning alleged violations of the measures and information on alleged arms flows, identifying where possible individual and legal entities reported to be engaged in such violations, as well as aircraft or other vehicles used; and (c) to present regular reports to the Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures.⁶⁸

Mandate implementation

By resolution 1596 (2005) of 18 April 2005, the Council, inter alia, decided that the measures would apply to any recipient in the territory of the Democratic

⁵⁹ S/2004/1025, S/2006/464, S/2006/1044 and S/2007/776.

⁶⁰ Resolutions 1549 (2004), para. 1; 1579 (2004), para. 8; 1607 (2005), para. 14; 1647 (2005), para. 9; 1689 (2006), para. 5; 1731 (2006), para. 4; 1760 (2007), para. 1; and 1792 (2007), para. 5.

⁶¹ S/2004/396, S/2004/752, S/2004/955, S/2005/176, S/2005/360, S/2005/745, S/2006/379, S/2006/976, S/2007/340 and S/2007/689.

⁶² Resolution 1549 (2004), para. 1.

⁶³ Resolution 1607 (2005), para. 14 (f).

⁶⁴ Resolution 1731 (2006), para. 4 (c).

⁶⁵ *Ibid.*, para. 4 (f).

⁶⁶ *Ibid.*, para. 4 (b).

⁶⁷ Resolution 1760 (2007), para. 1 (d).

⁶⁸ Resolution 1533 (2004), para. 8.

Republic of the Congo, except for the police that country, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and supplies of non-lethal military equipment intended for humanitarian use; and that all Governments in the region needed to ensure that aircraft were operating in accordance with relevant international law; strengthen customs controls and ensure that means of transport were not used in violation of the measures; prevent the transit through their territories of all persons designated by the Committee, unless the Committee provided an exemption in advance; and to freeze the funds and other assets of those persons designated by the Committee.⁶⁹ The Council also decided that, in addition to its previous mandate, the Committee would designate persons and entities with respect to the measures contained in the same resolution, to seek information from States, to decide on requests for exemptions and to promulgate guidelines to facilitate the implementation of the measures.⁷⁰

By resolution 1649 (2005) of 21 December 2005, the Council extended the measures that called on all States to prevent the transit through their territories of political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impeded the disarmament and the voluntary repatriation or resettlement of their combatants, as well as political and military leaders of Congolese militia receiving support from outside the country, unless the Committee authorized in advance, on a case-by-case basis, the transit of individual returning to the State of their nationality, or participating in efforts to bring to justice perpetrators of international humanitarian law. The Council also decided that the tasks of the Committee to, *inter alia*, designate persons would extend to the above-mentioned measures in the resolution.⁷¹

By resolution 1698 (2006) of 31 July 2006, the Council decided to extend those provisions to political and military leaders recruiting or using children in armed conflict and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict.⁷²

⁶⁹ Resolution 1596 (2005), paras. 1, 2, 6, 10, 13 and 15.

⁷⁰ *Ibid.*, para. 18.

⁷¹ Resolution 1649 (2005), paras. 2, 3 and 4.

⁷² Resolution 1698 (2006), para. 13.

Monitoring and reporting

During the period under review, the Committee submitted three annual reports on its activities and those of the Group of Experts.⁷³

Group of Experts

By resolution 1533 (2004) of 12 March 2004, the Council requested the Secretary-General to establish a Group of Experts consisting of no more than four members to analyse information on violations of the relevant measures. Moreover, the Group was also mandated to report to the Council through the Committee on its activities: to monitor the effective implementation of the measures; to provide recommendations on ways to improve the capabilities of States to implement the measures; to cooperate with MONUC; and to provide the Committee with a list of violators of the measures.⁷⁴

By resolution 1649 (2005), the Council requested the Group to assist the Committee in the designation of the leaders referred to in paragraph 2 of the resolution.⁷⁵ By resolution 1698 (2006) of 31 July 2006, the Council asked the Group of Experts to provide recommendations on feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups and militias in the eastern part of the Democratic Republic of the Congo and to assess the relative importance of the exploitation of natural resources to the armed groups as compared to other sources of income.⁷⁶

During the period under review, the Group of Experts submitted seven reports on its activities.⁷⁷ By a series of resolutions,⁷⁸ the Council re-established or extended the mandate of the Group of Experts on seven occasions, requesting it to report on the implementation of the measures.

⁷³ S/2005/81, S/2006/54 and S/2006/1048.

⁷⁴ Resolution 1533 (2004), para. 10.

⁷⁵ Resolution 1649 (2005), para. 5.

⁷⁶ Resolution 1698 (2006), para. 6.

⁷⁷ S/2004/551, S/2005/30, S/2005/436, S/2006/53, S/2006/525, S/2007/40 and S/2007/423.

⁷⁸ Resolutions 1552 (2004), para. 5; 1596 (2005), para. 21; 1616 (2005), para. 4; 1654 (2006), para. 1; 1698 (2006), para. 3; 1768 (2007), para. 4; and 1771 (2007), para. 9.

8. Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Establishment and mandate

By resolution 1572 (2004) of 15 November 2004, the Council imposed a number of measures on Côte d'Ivoire, consisting of an arms embargo, a travel ban and the freeze of assets owned or controlled by designated individuals.⁷⁹ By the same resolution, the Council further decided to establish a Committee to oversee the measures. The Committee was mandated to designate the individuals and entities subject to the travel ban and assets freeze; to seek relevant information from all States concerned; to consider and decide upon requests for exemptions; to make relevant information publicly available; to promulgate guidelines to facilitate the implementation of the relevant measures and to report regularly to the Council on its activities.⁸⁰

Mandate implementation

By resolution 1782 (2007) of 29 October 2007, the Council authorized the Committee to request whatever further information it might consider necessary from all States concerned.⁸¹

Monitoring and reporting

The Committee submitted three annual reports on its activities⁸² and those of the Group of Experts. The Committee reported violations of both the arms embargo and the diamonds embargo in 2006⁸³ and violations of the diamonds embargo and the asset freeze in 2007.⁸⁴

Group of Experts

By resolution 1584 (2005) of 1 February 2005, the Council requested the Secretary-General to establish a Group of Experts to assist the Committee in its tasks for an initial period of six months. Specifically, the Group was mandated to examine and analyse information gathered by the United Nations

Operation in Côte d'Ivoire (UNOCI), as well as all relevant information on arms flows in Côte d'Ivoire; to consider and recommend ways of improving the capabilities of States to implement the measures; to report to the Council through the Committee; and to collaborate with UNOCI and other relevant groups of experts, as well as to provide the Committee with a list of individuals and entities that violated the measures imposed for possible future measures by the Council.⁸⁵ By resolution 1643 (2005), the Council required the Group of Experts to monitor the implementation of the travel ban and the freeze of assets of designated individuals.⁸⁶ During the period under review, the Group of Experts submitted seven reports on its activities.⁸⁷ By a series of resolutions,⁸⁸ the Council extended the mandate of the Group on six occasions for periods of up to one year, the last until 31 October 2008.

9. Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Establishment and mandate

By resolution 1556 (2004) of 30 July 2004, the Council decided that all States should take the necessary measures to prevent the sale or supply of arms and related materiel, as well as the provision of related technical training or assistance, to all non-governmental entities and individuals operating in the States of Northern, Southern and Western Darfur in the Sudan.⁸⁹ By resolution 1591 (2005) of 29 March 2005, the Council established a Committee to oversee the measures contained in the resolution, which consisted of a travel ban and asset freeze on selected individuals and an expansion of the arms embargo imposed by resolution 1556 (2005) to all the parties to the N'Djamena Ceasefire Agreement and any other belligerents in Darfur.⁹⁰ Specifically, the Committee was mandated to monitor the implementation of the arms embargo; to designate the individuals and entities

⁷⁹ Resolution 1572 (2004), paras. 7-12.

⁸⁰ *Ibid.*, para. 14.

⁸¹ Resolution 1782 (2007), para. 7.

⁸² S/2006/55, S/2006/1017 and S/2007/764.

⁸³ S/2006/1017, paras. 25 and 28.

⁸⁴ S/2007/764, paras. 24 and 27.

⁸⁵ Resolution 1584 (2005), para. 7.

⁸⁶ Resolution 1643 (2005), para. 9 (i).

⁸⁷ S/2005/470, S/2005/699, S/2006/204, S/2006/735, S/2006/964, S/2007/349 and S/2007/611.

⁸⁸ Resolutions 1632 (2005), para. 1; 1643 (2005), para. 9; 1708 (2006), para. 1; 1727 (2006), para. 7; 1761 (2007), para. 1; and 1782 (2007), para. 8.

⁸⁹ Resolution 1556 (2004), paras. 7 and 8.

⁹⁰ Resolution 1591 (2005), paras. 3 and 7.

subject to the travel ban and assets freeze; to promulgate guidelines to facilitate the implementation of those measures; to consider and decide upon requests from the Government of the Sudan for exceptions to the arms embargo to allow for the movement of military equipment and supplies into the Darfur region; and to report regularly to the Council on its activities.⁹¹ The resolution also established a Panel of Experts.⁹²

Monitoring and reporting

The Committee submitted three annual reports on its activities on those of the Panel of Experts.⁹³ The Committee reported several violations of the arms embargo and took action on several occasions.⁹⁴

Panel of Experts

By resolution 1591 (2005) of 29 March 2005, the Council requested the Secretary-General to establish a Panel of Experts to assist the Committee in monitoring the implementation of the measures, to regularly update the Committee on its findings and to coordinate its activities with ongoing operations of the African Union Mission in the Sudan;⁹⁵ and, subsequently, with the African Union-United Nations Hybrid Operation in Darfur (UNAMID).⁹⁶ By a series of resolutions,⁹⁷ the Council extended the mandate of the Panel of Experts on four occasions, the last extension being until 15 October 2008. During the period under review, the Panel of Experts submitted four reports on its activities.⁹⁸

10. Security Council Committee established pursuant to resolution 1636 (2005)

Establishment and mandate

By resolution 1636 (2005) of 31 October 2005, the Council decided, as a step to assist in the investigation of the terrorist bombing that killed the former Prime Minister of Lebanon, Rafiq Hariri, and

22 others, that all individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of that terrorist act would be subject to a travel ban and asset freeze and to establish a Committee to oversee those measures.⁹⁹ The Council further decided that the Committee should register as subject to measures those individuals designated by the International Independent Investigation Commission or the Government of Lebanon; approve exceptions to the travel ban and assets freeze on a case-by-case basis; register the removal of individuals from the scope of the travel ban and asset freeze measures in accordance with resolution 1636 (2005) and inform all Member States which individuals were subject to those measures.¹⁰⁰

11. Security Council Committee established pursuant to resolution 1718 (2006)

Establishment and mandate

By resolution 1718 (2006) of 14 October 2006, the Council decided that the Democratic People's Republic of Korea should abandon all nuclear weapons and existing nuclear programmes, and imposed a number of measures, including a prohibition on the import or export of certain arms, nuclear material and luxury goods to the Democratic People's Republic of Korea. Other measures included, inter alia, the prohibition of any assistance related to nuclear technology, as well as a travel ban and asset freeze. The Council further decided to establish a Committee to oversee these measures. Specifically, the Committee was mandated to seek relevant information from all States concerned; to examine and take appropriate action on alleged violations of the measures; to consider and decide upon requests for exemptions; to update the lists of individual and entities subject to the measures as well as to determine additional items to be included in the list of banned items; to promulgate guidelines to facilitate the implementation of the relevant measures and to report regularly to the Council on its activities.¹⁰¹

Monitoring and reporting

⁹⁹ Resolution 1636 (2005), para. 3.

¹⁰⁰ Ibid., annex.

¹⁰¹ Resolution 1718 (2006), para. 12.

⁹¹ Ibid., para. 3.

⁹² Ibid., para. 3 (b).

⁹³ S/2006/543, S/2006/1045 and S/2007/779.

⁹⁴ See S/2006/1045, para. 22, and S/2007/779, para. 25.

⁹⁵ Resolution 1591 (2005), para. 3 (b).

⁹⁶ Resolution 1779 (2007), para. 3.

⁹⁷ Resolutions 1651 (2005), para. 1; 1665 (2006), para. 1; 1713 (2006), para. 1; and 1779 (2007), para. 1.

⁹⁸ S/2006/65, S/2006/250, S/2006/795 and S/2007/584.

During the period under review, the Committee submitted one annual report on its activities.¹⁰²

12. Security Council Committee established pursuant to resolution 1737 (2006)

Establishment

By resolution 1737 (2006) of 23 December 2006, the Council, acting under Article 41 of the Charter, reiterated the request contained in resolution 1696 (2006)¹⁰³ that the Islamic Republic of Iran suspend all enrichment-related and reprocessing activities and work on all heavy water-related projects,¹⁰⁴ adopted measures on the Islamic Republic of Iran, including a proliferation-sensitive nuclear and ballistic missile programmes-related embargo; and individual targeted sanctions, inter alia, a travel ban, a travel notification requirement, and an assets freeze, on designated persons and entities;¹⁰⁵ and established a Committee to oversee the implementation of the relevant measures included in the resolution.¹⁰⁶

Mandate

Pursuant to resolution 1737 (2006), the Committee was mandated to undertake the following tasks, and to report on its work to the Council with its observations and recommendations at least every 90 days:¹⁰⁷ (a) to seek from all States information regarding the actions taken by them to implement the measures imposed by the resolution and thereafter to request from them whatever further information it might consider necessary; (b) to seek from the secretariat of the International Atomic Energy Agency (IAEA) information regarding the actions taken by IAEA; (c) to consider and to take appropriate action on information brought to its attention concerning alleged violations of the measures imposed by the resolution; (d) to consider and decide upon requests for exceptions to the sanctions, including to the embargo in cases where items or assistance would not contribute to the development of proliferation-sensitive nuclear activities; (e) to update the list of banned transfers; (f) to update the list of individuals and entities subject to

travel ban and asset freeze; (g) to promulgate guidelines facilitating the implementation of the measures; and (h) to report at least every 90 days to the Council on its work, with its observations and recommendations.

Mandate implementation

By resolution 1747 (2007) of 24 March 2007, the Council imposed a ban on exports of arms from the Islamic Republic of Iran and designated additional persons and entities as subject to the assets freeze and the measures concerning travel. The Council also called upon all States to exercise vigilance and restraint in the provision of heavy weapons and related services to the Islamic Republic of Iran, and called upon all States and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and developmental purposes. In addition, the Council called on all States to report to the Committee within 60 days of the adoption of the resolution on the steps they had taken to implement the above provisions.¹⁰⁸

Monitoring and reporting

During the period under review, the Council heard three briefings from the Chairman of the Committee.¹⁰⁹ The Committee also presented an annual report on its activities from 23 December 2006 to 31 December 2007.¹¹⁰

Other committees

During the period under review, the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001) continued its work, and the Council established a Committee pursuant to resolution 1540 (2004), by which, inter alia, it required States to take measures to prevent non-State actors from obtaining weapons of mass destruction.

Considering the related nature of the mandates of these two Committees as well as the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, the Council called on a number of occasions for enhanced cooperation among

¹⁰² S/2007/778.

¹⁰³ Resolution 1696 (2006), para. 2.

¹⁰⁴ Resolution 1737 (2006), para. 2.

¹⁰⁵ *Ibid.*, paras. 3-8, 10 and 12.

¹⁰⁶ *Ibid.*, para. 18.

¹⁰⁷ *Ibid.*

¹⁰⁸ Resolution 1747 (2007), paras. 4-8.

¹⁰⁹ See S/PV.5702, S/PV.5743 and S/PV.5807.

¹¹⁰ S/2007/780.

the three Committees, as well as the Working Group established pursuant to resolution 1566 (2004). Specifically, this included, *inter alia*, enhanced information-sharing, coordinated visits to countries and cooperation on other issues of relevance to all the three Committees and the Working Group. The Council also encouraged the three Committees to enhance cooperation with a view to identifying, promoting and developing, as appropriate, best practices to provide clarity and guidance to States on implementation of the provisions of the relevant resolutions; to ensure that, in their dialogue with States, they presented a consolidated message from the Council on its efforts to fight terrorism; and to avoid duplication, including in their requests for information from Member States about implementation.¹¹¹

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

During the period under review, the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) under Chapter VII of the Charter, continued to monitor implementation of the resolution, with the assistance of appropriate expertise.

Mandate implementation

Having considered the report of the Chairman of the Committee on the problems encountered both by Member States and the Committee itself in the implementation of resolution 1373 (2001),¹¹² the Council, by resolution 1535 (2004), endorsed the report of the Committee on its revitalization,¹¹³ and decided that the revitalized Committee would consist of the plenary, composed of the Security Council member States, and the Bureau, composed of the Chair and the Vice-Chairs, assisted by the Counter-Terrorism Committee Executive Directorate, to be established as a special political mission, under the policy guidance of the plenary, for an initial period ending 31 December 2007.¹¹⁴ The Council also decided that

the Committee would continue to report to the Council on a regular basis.

By a statement of the President dated 19 July 2004,¹¹⁵ the Council invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the twelfth 90-day period focusing on practical measures to implement resolution 1535 (2004) on the revitalization of the Committee as well as to accelerate its work on country assessments of assistance needs.¹¹⁶

By resolution 1566 (2004) of 8 October 2004, the Council requested the Counter-Terrorism Committee to develop a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism. It also directed the Committee to start visits to States in order to enhance the monitoring of the implementation of resolution 1373 (2001).¹¹⁷

By a statement of the President dated 19 October 2004,¹¹⁸ the Council invited the Committee to pursue its agenda as set out in the work programme for its thirteenth 90-day period,¹¹⁹ focusing on practical measures to increase the Committee's capacity, including through enhanced cooperation with the sanctions Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and the Committee established pursuant to resolution 1540 (2004).

By a statement of the President dated 18 January 2005,¹²⁰ the Council invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for its fourteenth 90-day period.¹²¹ It also invited the Committee, *inter alia*, to ensure that its Executive Directorate became fully operational in the shortest possible time; to initiate contacts with the Working Group established pursuant to resolution 1566 (2004) and to conduct the first of its visits to Member States in March 2005.

By resolution 1624 (2005) of 14 September 2005, the Council directed the Committee to (a) include in its dialogue with Member States their efforts to implement

¹¹¹ Resolutions 1617 (2005), para. 13; and 1735 (2006), para. 27; S/PRST/2005/16, S/PRST/2005/34 and S/PRST/2006/56.

¹¹² S/2004/70.

¹¹³ S/2004/124.

¹¹⁴ See below for more information on the Counter-Terrorism Committee Executive Directorate.

¹¹⁵ S/PRST/2004/26.

¹¹⁶ S/2004/541.

¹¹⁷ Resolution 1566 (2004), paras. 7 and 8.

¹¹⁸ S/PRST/2004/37.

¹¹⁹ See S/2004/820.

¹²⁰ S/PRST/2005/3.

¹²¹ See S/2005/22.

the resolution, which, *inter alia*, it called on States to adopt such measures as might be necessary to prohibit by law incitement to commit a terrorist act; (b) work with Member States to help build capacity, including through spreading best legal practice and promoting exchange of information in this regard; and (c) report back to the Council in 12 months on the implementation of the resolution.¹²²

By a statement of the President dated 20 December 2006,¹²³ the Council called on the Committee to report on the status of implementation of resolution 1373 (2001), particularly on any outstanding issues, when necessary on a regular basis, in order to receive strategic guidance from the Council.

Reporting

During the period under review, the Counter-Terrorism Committee issued one report on the implementation of resolution 1624 (2005).¹²⁴

Counter-Terrorism Committee Executive Directorate

The Counter-Terrorism Committee Executive Directorate was established by resolution 1535 (2004) as a special political mission, under the policy guidance of the plenary, for an initial period ending 31 December 2007.¹²⁵ The Council decided further that the Executive Directorate, headed by an Executive Director, would be responsible, *inter alia*, for the following tasks: to support and advise the plenary and the Chair in all their functions; ensure the comprehensive follow-up of all the decisions of the Committee; propose to the Secretary-General the appointment of all assigned staff; attend, or be represented, at all the meetings of the plenary and the Bureau; submit, through the Secretary-General, a semi-annual comprehensive report to the plenary as well as the programme of work for the Executive Directorate; prepare a results-based budget; keep the plenary regularly informed on the progress of States in their implementation of resolution 1373 (2001); facilitate the provision of assistance programmes to States; pursue relations and collaboration with other bodies of the United Nations system; continue to

strengthen cooperation with relevant international, regional and subregional organizations; and design, propose and implement, with the approval of the plenary, a proactive communication policy.¹²⁶ The Council requested the Secretary-General to appoint an Executive Director of the Executive Directorate; and the Executive Director to submit to the plenary, for its endorsement, an organizational plan for the Executive Directorate.¹²⁷ The Executive Director was appointed through an exchange of letters between the Secretary-General and the President of the Security Council.¹²⁸

By a statement of the President dated 21 December 2005,¹²⁹ the Council endorsed the report of the Counter-Terrorism Committee submitted as part of the Council's comprehensive review of the Executive Directorate¹³⁰ and agreed with its conclusions. In its report the Committee stressed that the following areas were the highest priority for the future focus of the Executive Directorate: monitoring implementation of Council resolution 1373 (2001) through (a) providing in-depth analysis of the implementation of the resolution; (b) enhancing dialogue with States; (c) reviewing and proposing how to update the reporting regime; and (c) cooperating closely with the other relevant subsidiary bodies of the Council, in particular the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004); and continuing effective capacity-building work, through (a) strengthening the facilitation of technical assistance; (b) improving the assistance provided to Member States through publishing and developing best practices in all areas of resolution 1373 (2001); (c) reviewing and proposing how to further develop cooperation with international, regional and subregional organizations to enhance the synergy between the work of the Committee and that of these organizations in furthering implementation of resolution 1373 (2001).¹³¹ The Council also welcomed the fact that the Counter-Terrorism Committee, in consultation with the Secretary-General, had decided to declare the Executive Directorate operational on 15 December 2005 and agreed with the Secretary-General and with the Committee that there was a need

¹²² Resolution 1624 (2005), paras. 1 and 6.

¹²³ S/PRST/2006/56.

¹²⁴ S/2006/737.

¹²⁵ Resolution 1535 (2004), para. 2.

¹²⁶ *Ibid.*, para. 3; and S/2004/124, para. 15.

¹²⁷ Resolution 1535 (2004), paras. 3 and 4.

¹²⁸ S/2004/388 and S/2004/389.

¹²⁹ S/PRST/2005/64.

¹³⁰ S/2005/800.

¹³¹ *Ibid.*, paras. 43 and 44.

to clarify reporting lines in the Executive Directorate, within the framework of resolution 1535 (2004).

By a statement of the President dated 20 December 2006,¹³² the Council endorsed the report prepared by the Committee submitted as part of the Council's comprehensive review of the Executive Directorate¹³³ and agreed with its recommendations and conclusions. Welcoming the letter from the Secretary-General dated 15 December 2006,¹³⁴ it also endorsed the recommendation of the Committee with regard to reporting lines so that the Executive Directorate would henceforth present its draft work programmes and its semi-annual reports directly to the Committee.

By resolution 1787 (2007) of 10 December 2007, the Council decided to extend the mandate of the Counter-Terrorism Committee Executive Directorate until 31 March 2008 and requested the Executive Director to recommend such changes as he deemed appropriate to the organizational plan, and to submit them to the Committee for its consideration and endorsement.¹³⁵

¹³² S/PRST/2006/56.

¹³³ S/2006/989.

¹³⁴ S/2006/1002.

¹³⁵ Resolution 1787 (2007), paras. 1 and 2.

2. Committee established pursuant to resolution 1540 (2004)

Establishment and mandate

By resolution 1540 (2004) of 28 April 2004, the Council, *inter alia*, decided that all States should adopt laws which prohibited any non-State actor from manufacturing, acquiring or transporting nuclear, chemical or biological weapons and take effective measures to establish domestic controls to prevent the proliferation such weapons.¹³⁶ By the same resolution, the Council decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee for a period of no longer than two years, which would, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution. The Council called upon all States to present a first report no later than six months from the adoption of the resolution to the Committee on steps they had taken or intended to take to implement the resolution.¹³⁷

Mandate implementation

By resolution 1673 (2006) of 27 April 2006, the Council decided to extend the mandate of the Committee, with the continued assistance of experts, for an additional period of two years, until 27 April 2008. It also decided that the Committee should intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through a work programme which included the compilation of information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation and address in particular all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3 which encompassed (a) accountability; (b) physical protection; (c) border controls and law enforcement efforts; and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such export and trans-shipment. It encouraged the pursuit of the ongoing dialogue between the Committee and States on the full implementation of resolution 1540 (2004), including on further actions needed from States to that end and on technical assistance needed and offered. It

¹³⁶ See chap. XI, sect. A, on part I, decisions relating to Article 39, for more information.

¹³⁷ Resolution 1540 (2004), para. 4.

also encouraged the Committee to explore with States and international, regional and subregional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might facilitate the implementation of the resolution.¹³⁸

Reporting

During the period under review, the Committee submitted one report to the Council.¹³⁹

C. Informal and ad hoc working groups

Note

During the review period, the Informal Working Group on Documentation and Other

Procedural Questions, the Working Group on International Criminal Tribunals, the Working Group of the Whole on the United Nations Peacekeeping Operations, and the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa continued their work. The Informal Working Group on General Issues of Sanctions was terminated in 2006, having fulfilled its mandate.¹⁴⁰ The Security Council established two new informal working groups: the Working Group established pursuant to resolution 1566 (2004), and the Working Group on Children and Armed Conflict. The working groups were composed of all 15 members of the Council, held their meetings in private, and reached their decisions by consensus. A brief overview of the establishment and mandate of the working groups is provided in the table below.

¹⁴⁰ Resolution 1732 (2006).

¹³⁸ Resolution 1673 (2006), paras. 4 and 5.

¹³⁹ S/2006/257.

Informal and ad hoc working groups

| <i>Title</i> | <i>Establishment/termination</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 |
| Informal Working Group on General Issues of Sanctions | Note by the President of the Council of 17 April 2000 (S/2000/319) Terminated by resolution 1732 (2006) of 21 December 2006 | To develop general recommendations on how to improve the effectiveness of United Nations sanctions. Issues to be examined by the Working Group were: (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 impact 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).

As from 29 December 2005 (S/2005/841), the Working Group was asked to look at issues such as:

- (a) Improving cooperation between sanctions committees, monitoring bodies and regional organizations, and assessing the possibility of reporting by regional organizations as an alternative to the reporting by individual States;
- (b) Duration and lifting of sanctions;
- (c) Assessment of the unintended impact of sanctions and ways to assist affected untargeted States;
- (d) Improving national implementation of sanctions;
- (e) Enforcement of targeted sanctions, especially such sanctions as asset freezes or travel bans targeting individuals or entities;
- (f) De-listing procedures in relation to the implementation of targeted sanctions and the legal consequences of listing and de-listing;
- (g) Secondary sanctions against States violating sanctions;
- (h) Improving archives and databases in the Secretariat, including the roster of experts.

| | | |
|--|---|---|
| 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 Tribunal for the Former Yugoslavia and subsequently mandated to deal with other (legal) issues pertaining to the Tribunals. |
| Working Group of the Whole on the United Nations Peacekeeping Operations | Presidential statement of 31 January 2001 (S/PRST/2001/3) | 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. |

Where appropriate, to seek the views of the troop-contributing

| | | |
|--|--|---|
| | | countries, including through meetings of the Working Group with the troop-contributing countries, with a view to their views being taken into account by the Council. |
| 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>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>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>To examine, in particular, regional and cross-conflict issues that affect the Council's work on African conflict prevention and resolution.</p> <p>To propose recommendations to the Security Council to enhance cooperation in conflict prevention and resolution, between the United Nations and regional and subregional organizations.</p> |
| Working Group established pursuant to resolution 1566 (2004) | Resolution 1566 (2004) of 8 October 2004 | <p>To consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities, other than those designated by the Al-Qaida and Taliban sanctions Committee, including more effective procedures considered to be appropriate for bringing them to justice through prosecution or extradition, freezing of their financial assets, preventing their movement through the territories of Member States, and preventing supply to them of all types of arms and related materiel, and on the procedures for implementing these measures.</p> <p>To consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and sponsors, and submit its recommendations to the Council.</p> |
| Ad Hoc Working Group on Children and Armed Conflict | Resolution 1612 (2005) of 26 July 2005 | <p>To review the reports of a monitoring and reporting mechanism on children and armed conflict.</p> <p>To review progress in the development and implementation of the action plans called for in resolution 1539 (2004).</p> <p>To consider other relevant information presented to it.</p> |

To make recommendations to the Council on possible measures to promote the protection of children affected by armed conflict, including through recommendations on appropriate mandates for peacekeeping missions and recommendations with respect to the parties to the conflict.

To address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of the resolution in accordance with their respective mandates.

D. Investigative bodies and tribunals

Note

During the period under review, the Security Council established two investigative bodies — the International Commission of Inquiry for Darfur and the International Independent Investigation Commission for Lebanon. The Council also established one tribunal, the Special Tribunal for Lebanon, and continued to oversee the work of the International Tribunals for the Former Yugoslavia and for Rwanda, as detailed below.

1. International Commission of Inquiry for Darfur

Establishment

By resolution 1564 (2004) of 18 September 2004, the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian and human rights law in Darfur by all parties, to determine also whether or not acts of genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable, and called upon all parties to cooperate fully with such a commission.¹⁴¹ The Council subsequently, by resolution 1574 (2004) of 19 November 2004, called upon all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter dated 4 October 2004 to the President of the Security Council,¹⁴² the outcome of which would be communicated to the Council.¹⁴³

¹⁴¹ Resolution 1564 (2004), para. 12.

¹⁴² S/2004/812.

¹⁴³ Resolution 1574 (2004), para. 15.

Mandate and composition

The mandate of the International Commission of Inquiry for Darfur was to (a) investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties in the conflict; (b) qualify crimes and determine whether or not acts of genocide had occurred or were still occurring; (c) determine responsibility and identify the individual perpetrators responsible for the commission of such violations, and recommend accountability mechanisms before which those allegedly responsible would be brought to account. The Commission had five members, as well as an Executive Director and a technical and administrative team.¹⁴⁴ The Commission was requested to carry out its task in three months and submit a report to the Secretary-General.¹⁴⁵

Mandate implementation

On 31 January 2005, the Secretary-General transmitted the report of the Commission to the President of the Security Council.¹⁴⁶ The Commission stated that some individuals had responsibility for serious violations of international human rights law and international humanitarian law, including crimes against humanity or war crimes, in Darfur, but concluded that the Government of the Sudan had not pursued a policy of genocide. On 31 March 2005, the Council, by resolution 1593 (2005), took note of the report of the International Commission of Inquiry for Darfur on violations of international humanitarian law and human rights law in Darfur, and, on the recommendation of the Commission,¹⁴⁷ decided to

¹⁴⁴ Ibid.

¹⁴⁵ See S/2005/60 for the report of the Commission.

¹⁴⁶ See S/2005/60.

¹⁴⁷ Ibid., p. 5.

refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court.¹⁴⁸

2. International Independent Investigation Commission

Establishment and mandate

Following the assassination on 14 February 2005 of the former Prime Minister of Lebanon, Rafiq Hariri, along with 22 others, the Council, in a statement by the President of 15 February 2005, requested the Secretary-General to report on the circumstances, causes and consequences of the act.¹⁴⁹ Having examined the report of the Secretary-General's fact-finding mission to Lebanon,¹⁵⁰ as well as the approval of the Government of Lebanon,¹⁵¹ the Council, by resolution 1595 (2005) of 7 April 2005, decided to establish an international independent investigation commission based in Lebanon. The Commission was mandated to assist the Lebanese authorities in their investigation of all aspects of the terrorist bombing in Beirut that killed the former Prime Minister of Lebanon and others, including to help identify its perpetrators, sponsors, organizers and accomplices. The Council also decided that to ensure the effectiveness of the Commission in the discharge of its duties, the Commission would (a) enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deemed relevant to the inquiry; (b) have the authority to collect any additional information and evidence, both documentary and physical, pertaining to the terrorist act, as well as to interview all officials and other persons in Lebanon that the Commission deemed relevant to the inquiry; (c) enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deemed relevant to the inquiry; and (d) be provided with the facilities necessary to perform its functions, and be granted, with its premises, staff and equipment, the privileges and immunities to which they were entitled under the Convention on the Privileges and Immunities of the United Nations. The Commission was also directed to determine procedures for carrying out its

¹⁴⁸ Resolution 1593 (2005).

¹⁴⁹ S/PRST/2005/4.

¹⁵⁰ S/2005/203.

¹⁵¹ S/2005/208.

investigation, taking into account Lebanese law and judicial procedures.¹⁵²

The Council requested the Commission to complete its work within three months of the date on which it commenced its full operations, as notified by the Secretary-General, and authorized the Secretary-General to extend the operation of the Commission for a further period not exceeding three months, if he deemed it necessary to enable the Commission to complete its investigation, and requested that he inform the Council accordingly.¹⁵³ In a letter to the President of the Security Council,¹⁵⁴ the Secretary-General subsequently reported that the Commission had become fully operational on 16 June 2005.

Composition

Pursuant to resolution 1595 (2005),¹⁵⁵ 30 investigators from 17 countries as well as external experts were recruited by the Commission.¹⁵⁶ The Commissioner was appointed through an exchange of letters between the Secretary-General and the President of the Security Council.¹⁵⁷

Mandate implementation

Pursuant to resolution 1595 (2005), the mandate of the International Independent Investigation Commission was initially extended, by an exchange of letters between the Secretary-General and the President of the Security Council, for 40 days until 25 October 2005;¹⁵⁸ and then, following a request by the Government of Lebanon,¹⁵⁹ was extended to 15 December 2005.¹⁶⁰ Subsequently, the Council, on the basis of the requests of the Government of Lebanon,¹⁶¹ by a series of resolutions, extended the

¹⁵² Resolution 1595 (2005), para. 6.

¹⁵³ *Ibid.*, para. 8.

¹⁵⁴ S/2005/393.

¹⁵⁵ Resolution 1595 (2005), para. 5, by which the Council gave the Secretary-General the authority to recruit impartial and experienced staff with relevant skills and expertise.

¹⁵⁶ S/2005/662, paras. 87 and 88.

¹⁵⁷ S/2005/317 and S/2005/318.

¹⁵⁸ S/2005/587 and S/2005/588.

¹⁵⁹ S/2005/651.

¹⁶⁰ S/2005/662 and resolution 1636 (2005), para. 8.

¹⁶¹ S/2005/762, S/2006/278 and S/2007/159.

mandate of the Commission several times, for periods of up to one year, the last until 15 June 2008.¹⁶²

By resolution 1636 (2005), the Council decided that any individuals that the Commission or the Government of Lebanon designated as suspected of involvement in the planning, sponsoring, organizing or perpetrating of the terrorist bombing in Beirut that killed the former Prime Minister of Lebanon and others would be subject to a travel ban and asset freeze.¹⁶³ It also decided that the Commission would have vis-à-vis the Syrian Arab Republic the same rights and authorities, relating to collection of evidence, access to information and witnesses, and facilities to perform its functions, as mentioned in resolution 1595 (2005) in relation to Lebanon; that the Commission should have the authority to determine the location and modalities for interview of Syrian officials and individuals it deemed relevant to the inquiry; and that the Syrian Arab Republic must detain those Syrian officials or individuals whom the Commission considered as suspected of involvement in the planning, sponsoring, organizing or perpetrating of the terrorist act, and make them fully available to the Commission.¹⁶⁴

By resolution 1644 (2005) of 15 December 2005, following the request of the Government of Lebanon,¹⁶⁵ the Council authorized the Commission to extend its technical assistance, as appropriate, to the Lebanese authorities with regard to their investigations of the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General, in consultation with the Commission and the Government of Lebanon, to present recommendations to expand the mandate of the Commission to include investigations of those other attacks.¹⁶⁶ By resolution 1686 (2006) of 15 June 2006, the Council supported the intention of the Commission to extend, as it deemed appropriate, its technical assistance to the Lebanese authorities with regard to their investigations into the other terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General to provide the Commission with the support

and resources needed in this regard.¹⁶⁷ Subsequently, through exchanges of letters between the Secretary-General and the President of the Security Council, following requests by the Government of Lebanon, the Council invited the Commission to extend appropriate technical assistance to the Lebanese authorities in the investigation of the murder of Minister for Industry, Pierre Gemayel, on 21 November 2006, the bombing near the town of Bikfaya on 13 February 2007, which killed 3 people and injured 22, as well as the murders of two Members of Parliament, Walid Eido on 13 June 2007 and Antoine Ghanem on 19 September 2007, and Brigadier General François el Hajj on 12 December 2007.¹⁶⁸

Reporting

During the period under review, the Commission submitted nine reports on the progress of the investigation.¹⁶⁹

3. Special Tribunal for Lebanon

Establishment

Pursuant to a request from the Government of Lebanon for the Council to set up a tribunal of an international character to try individuals who were found responsible for the assassination on 14 February 2005 of the former Prime Minister of Lebanon, Rafiq Hariri, along with 22 others,¹⁷⁰ the Council, by resolution 1644 (2005) of 15 December 2005, requested the Secretary-General to help the Government of Lebanon to identify the nature and scope of the international assistance needed in that regard.¹⁷¹ On the basis of the recommendations in the report of the Secretary-General,¹⁷² on 29 March 2006, by resolution 1664 (2006), the Council requested the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice; and

¹⁶² Resolutions 1644 (2005), para. 2; 1686 (2006), para. 2; and 1748 (2007), para. 2.

¹⁶³ Resolution 1636 (2005), para. 3. For more information see the section on the Committee established pursuant to resolution 1636 (2005) in part I.B of the present chapter.

¹⁶⁴ Resolution 1636 (2005), para. 11.

¹⁶⁵ S/2005/783, annex.

¹⁶⁶ Resolution 1644 (2005), para. 7.

¹⁶⁷ Resolution 1686 (2006), para. 3.

¹⁶⁸ S/2006/914, S/2006/915, S/2007/90, S/2007/91, S/2007/356, S/2007/357, S/2007/556, S/2007/557, S/2007/735 and S/2007/736.

¹⁶⁹ S/2005/662, S/2005/775, S/2006/161, S/2006/375, S/2006/760, S/2006/962, S/2007/150, S/2007/424 and S/2007/684.

¹⁷⁰ Letter dated 13 December 2005 from the Prime Minister of Lebanon to the Secretary-General (S/2005/783).

¹⁷¹ Resolution 1644 (2005), para. 6.

¹⁷² S/2006/176.

acknowledged that the adoption of the legal basis of, and framework for the tribunal, would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which would depend on the progress of the investigation.¹⁷³

By a letter dated 21 November 2006 from the President of the Security Council to the Secretary-General,¹⁷⁴ the Council approved the report of the Secretary-General on the establishment of a special tribunal for Lebanon and the agreement annexed to the report, including the statute of the Special Tribunal.¹⁷⁵

In resolution 1757 (2007) of 30 May 2007, the Council referred to the letter from the Prime Minister of Lebanon to the Secretary-General,¹⁷⁶ in which it was recalled that the parliamentary majority had expressed its support for the Tribunal and asked that the Special Tribunal be put into effect; and to the briefing by the Legal Counsel on 2 May 2007, in which he had noted that all parties concerned had reaffirmed their agreement in principle to the establishment of the Tribunal.¹⁷⁷ By that resolution, the Council decided that the provisions of the Agreement between the United Nations and the Lebanese Republic on the establishment of a Special Tribunal for Lebanon would enter into force on 10 June 2007, unless the Government of Lebanon had provided notification under article 19 (1) of the Agreement before that date. It noted that, pursuant to article 19 (2) of the Agreement, the Special Tribunal would commence functioning on a date to be determined by the Secretary-General in consultation with the Government of Lebanon, taking into account the progress of the work of the International Independent Investigation Commission.¹⁷⁸

Mandate

The Special Tribunal had jurisdiction over persons responsible for the attack of 14 February 2005 resulting in the death of former Lebanese Prime Minister, Rafiq Hariri, and in the death or injury of other persons. If the Tribunal found that other attacks

that occurred in Lebanon between 1 October 2004 and 12 December 2005, or any later date decided by the parties and with the consent of the Security Council, were connected to the attack of 14 February 2005, it also had jurisdiction over persons responsible for such attacks.¹⁷⁹

Composition

The Special Tribunal consisted of the following organs: the Chambers, the Prosecutor, the Registry and the Defence Office. The Chambers were composed of an international pretrial judge, a Trial Chamber consisting of three judges, two international and one Lebanese, and an Appeals Chamber, consisting of five judges, of whom two were Lebanese and three international. There were also two alternate judges, one Lebanese and one international.¹⁸⁰ The investigation that had already been conducted by the International Independent Investigation Commission was accepted to constitute the core of the Prosecutor's office for the Tribunal.¹⁸¹ The Registry consisted of a Registrar and such other staff as was required and the Registrar for the Tribunal was appointed by the Secretary-General and was a staff member of the United Nations. The Defence Office, which consisted of a head of office and one or more public defenders, was headed by an appointee of the Secretary-General, although it was independent in functioning.¹⁸² The Special Tribunal was seated in the Netherlands.¹⁸³

¹⁷⁹ Ibid., attachment, statute of the Special Tribunal for Lebanon, article 1.

¹⁸⁰ Ibid., articles 7-8.

¹⁸¹ S/2006/893, para. 8.

¹⁸² Resolution 1757 (2007), attachment, statute of the Special Tribunal for Lebanon, articles 12 and 13.

¹⁸³ Resolution 1757 (2007), para. 1 (b), and S/2007/737.

¹⁷³ Resolution 1664 (2006), paras. 1-3.

¹⁷⁴ S/2006/911.

¹⁷⁵ S/2006/893.

¹⁷⁶ S/2007/281.

¹⁷⁷ Resolution 1757 (2007), eighth and tenth preambular paragraphs.

¹⁷⁸ Ibid., paras. 1 and 2.

4. 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 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 Council, by resolution 1534 (2004) of 26 March 2004,¹⁸⁴ requested that the Tribunals for the Former Yugoslavia and Rwanda provide to the Council, by 31 May 2004 and every six months thereafter, assessments by their Presidents and Prosecutors, setting out in detail the progress made towards implementation of the completion strategy of the Tribunals, explaining what measures had been taken to implement the completion strategy and what measures remained to be taken, including the transfer of cases involving intermediate- and lower-rank accused to competent national jurisdictions.¹⁸⁵

5. 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.

¹⁸⁴ Resolution 1534 (2004), para. 6.

¹⁸⁵ The assessments submitted pursuant to that resolution were, for the International Tribunal for the Former Yugoslavia: S/2004/420, S/2004/897, S/2005/343, S/2005/781, S/2006/353, S/2006/898, S/2007/283 and S/2007/633; and for the International Criminal Tribunal for Rwanda: S/2004/341, S/2004/921, S/2005/336, S/2005/782, S/2006/358, S/2006/951, S/2007/323 and S/2007/676.

Annexes to the statute

On 20 April 2005, on the recommendation of the Secretary-General,¹⁸⁶ the Council, acting under Chapter VII of the Charter, adopted resolution 1597 (2005), by which it decided to amend article 13 ter of the statute of the International Tribunal for the Former Yugoslavia and allow ad litem judges to be eligible for re-election.¹⁸⁷

On 28 February 2006, by resolution 1660 (2006), the Council, acting under Chapter VII of the Charter, decided to amend articles 12 and 13 quater of the statute of the Tribunal to authorize the Secretary-General, at the request of the President of the Tribunal, to appoint reserve judges from among the elected ad litem judges, to be present at each stage of a trial to which they have been appointed and to replace a judge if that judge was unable to continue sitting.¹⁸⁸

Election of judges

In consideration of the nominations for permanent judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General¹⁸⁹ and in accordance with article 13 bis, 1 (d), of the statute of the Tribunal, the Council adopted resolution 1567 (2004) of 14 October 2004, by which it established a list of 22 candidates from which the General Assembly could elect 14 permanent judges of the Tribunal.

By resolution 1581 (2005) of 18 January 2005, the Council, upon the recommendations contained in a letter from the Secretary-General dated 6 January 2005,¹⁹⁰ decided to extend the terms of office of nine ad litem judges until the conclusion of cases that they had begun before expiry of their term of office.¹⁹¹

Through two exchanges of letters between the Secretary-General and the President of the Security Council and a resolution, the Council extended the deadline for nominations of ad litem judges to the

¹⁸⁶ S/2005/236.

¹⁸⁷ Resolution 1597 (2005), para. 1.

¹⁸⁸ Resolution 1660 (2006), second preambular paragraph, and paras. 1 and 2.

¹⁸⁹ S/2004/754.

¹⁹⁰ S/2005/9.

¹⁹¹ Resolution 1581 (2005), para. 1.

Tribunal three times, the last extension until 7 July 2005.¹⁹²

In consideration of the nominations for ad litem judges of the Tribunal received by the Secretary-General¹⁹³ and in accordance with article 13 ter, 1 (d), of the statute of the Tribunal, the Council adopted resolution 1613 (2005) of 26 July 2005, by which it established a list of 34 candidates, from which the General Assembly could elect 28 ad litem judges of the Tribunal.

Upon the recommendation of the Secretary-General,¹⁹⁴ by resolution 1629 (2005) of 30 September 2005, the Council decided to assign Judge Christine Van Den Wyngaert as a permanent judge to the *Mrkšić et al.* case, due to commence on 3 October 2005, notwithstanding that her elected term as permanent judge of the Tribunal, in accordance with article 13 bis of the statute, was to begin only on 17 November 2005.

By resolution 1668 (2006) of 10 April 2006, the Council, in response to the request from the Secretary-General in his identical letters to the President of the Council and the President of the General Assembly dated 27 March 2006,¹⁹⁵ decided to authorize Judge Joaquín Canivell to continue to sit on the *Krajišnik* case beyond April 2006 and see the case through its completion, notwithstanding the fact that the cumulative period of his service in the Tribunal would then exceed three years.

Appointment of the Prosecutor

On 14 September 2007, in accordance with article 16 (4) of the statute of the Tribunal and having considered a letter from the Secretary-General addressed to the President of the Security Council,¹⁹⁶ the Council adopted resolution 1775 (2007), by which it extended for a final period the appointment of Ms. Carla Del Ponte as Prosecutor of the International Tribunal for the Former Yugoslavia with effect from 15 September to 31 December 2007.

¹⁹² S/2005/127 and S/2005/159; resolution 1597 (2005), para. 2; and S/2005/346 and S/2005/371.

¹⁹³ The list of candidates was circulated only to members of the Security Council.

¹⁹⁴ S/2005/593.

¹⁹⁵ S/2006/199.

¹⁹⁶ S/2007/538.

On 28 November 2007, in accordance with article 16 (4) of the statute of the Tribunal, the Council adopted resolution 1786 (2007), by which it appointed the Secretary-General's nominee,¹⁹⁷ Mr. Serge Brammertz, as Prosecutor of the International Tribunal for the Former Yugoslavia with effect from 1 January 2008 for a four-year term, which was subject to an earlier termination by the Security Council upon completion of the work of the Tribunal.

Reporting

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 reports of the Tribunal to the Security Council and the General Assembly.¹⁹⁸

6. 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 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, established pursuant to Security Council resolution 955 (1994), of 8 November 1994, continued its work during the period under review.

Election of judges

The Council, in response to a request by the Secretary-General,¹⁹⁹ adopted resolution 1684 (2006) on 13 June 2006, by which it extended the term of office of 11 permanent judges of the Tribunal until 31 December 2008.

¹⁹⁷ S/2007/678.

¹⁹⁸ S/2004/627, S/2005/532 and Corr.1, S/2006/666 and S/2007/469.

¹⁹⁹ S/2006/349.

By resolution 1705 (2006) of 29 August 2006, pursuant to a letter from the Secretary-General addressed to the President of the Council,²⁰⁰ the Council, notwithstanding the fact that, in accordance with article 12 ter of the statute, her elected term as ad litem judge of the Tribunal was ending on 24 June 2007, authorized Judge Solomy Balungi to continue serving as judge in the *Butare* case until its completion.

By resolution 1717 (2006) of 13 October 2006, the Council, recalling resolution 1684 (2006), by which it extended the terms of the 11 permanent judges serving at the Tribunal, and taking note of the letter dated 2 October 2006 from the Secretary-General to the President of the Council,²⁰¹ decided to extend until 31 December 2008 the term of office of the 18 ad litem judges of the Tribunal, thereby allowing several of these to serve beyond the cumulative period of service provided for under article 12 ter of the statute.

Appointment of the Prosecutor

On 14 September 2007, in accordance with article 15 (4) of the statute of the Tribunal, the Council adopted resolution 1774 (2007), by which it reappointed the Secretary-General's nominee,²⁰² Mr. Hassan Bubacar Jallow, as Prosecutor of the Tribunal with effect from 15 September 2007 for a four-year term, subject to an earlier termination by the Council upon completion of the work of the Tribunal.

Reporting

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 reports of the Tribunal to the Security Council and General Assembly.²⁰³

E. Ad hoc commissions

During the period under review, the Security Council continued to oversee one ad hoc commission, the United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991), and terminated the mandate of another, the United Nations Monitoring, Verification and Inspection

Commission established pursuant to resolution 1284 (1999) in 2000. It also established a Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999.

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, continued to verify and value the claims of loss, damage and injury to foreign Governments, nationals and corporations resulting from Iraq's unlawful invasion and occupation of Kuwait, and to administer the payment of compensation.

Mandate implementation

By resolution 1546 (2004) of 8 June 2004, the Council decided that, upon dissolution of the Coalition Provisional Authority, appropriate arrangements should be made for the continuation of deposits to the Compensation Fund of the proceeds referred to in paragraph 21 of resolution 1483 (2003).²⁰⁴

2. United Nations Monitoring, Verification and Inspection Commission

During the period under review, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), established by resolution 1284 (1999) under Chapter VII of the Charter, 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.

²⁰⁴ Resolution 1546 (2004), para. 24.

²⁰⁰ S/2006/688.

²⁰¹ S/2006/799.

²⁰² S/2007/539.

²⁰³ S/2004/601, S/2005/534, S/2006/658 and S/2007/502.

Mandate implementation

By resolution 1762 (2007) of 29 June 2007, the Council decided to terminate immediately the mandate of UNMOVIC. It requested the Secretary-General to take all necessary measures to provide for the appropriate disposition of the archives of UNMOVIC and other property under arrangements ensuring, in particular, that sensitive proliferation information or information provided in confidence by Member States was kept under strict control, and further requested that the Secretary-General inform the Security Council within three months on steps taken in this regard.

By a letter dated 21 November 2007 from the President of the Security Council to the Secretary-General,²⁰⁵ the Council approved of the overall archiving procedure as set out in the report of the Secretary-General of 27 September 2007.²⁰⁶ The members of the Council also requested monthly updates on closing down UNMOVIC in a manner consistent with resolution 1762 (2007).

3. Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999

Establishment and mandate

By resolution 1573 (2004) of 16 November 2004, the Council reaffirmed the need to fight against impunity, and in that regard took note of the Secretary-General's intention to continue to explore possible ways to address this issue with a view to making proposals as appropriate.²⁰⁷

Through an exchange of letters between the Secretary-General and the President of the Security Council dated 11 and 26 January 2005,²⁰⁸ the Council took note of the intention of the Secretary-General to establish an independent commission of three experts to conduct an assessment on the prosecution of serious crimes committed in East Timor in 1999 and provide recommendations in that regard. The Commission would conduct a thorough assessment of the progress made by the Indonesian judicial process involving the ad hoc Human Rights Tribunal in Jakarta, and the

serious crimes process, involving the Serious Crimes Unit and the Special Panels for Serious Crimes in Dili. The Commission of Experts was tasked, *inter alia*, with assessing the effective functioning of the two judicial processes, identifying obstacles and difficulties encountered and evaluating the extent to which they have been able to achieve justice and accountability for the crimes committed in East Timor. It would undertake to recommend further measures and/or mechanisms as appropriate so that the perpetrators were held accountable, justice was secured for the victims and the people of Timor-Leste, and reconciliation was promoted. The Commission of Experts was requested to consider ways in which its analysis could be of assistance to the Truth and Friendship Commission, which Indonesia and Timor-Leste had agreed to establish. The Secretary-General informed the Council of his appointments to the Commission in a letter dated 17 February 2005.²⁰⁹

Mandate implementation

By resolution 1599 (2005) of 28 April 2005, the Council called on all parties to cooperate fully with the work of the Secretary-General's Commission of Experts, and looked forward to the Commission's upcoming report exploring possible ways to address this issue, including ways of assisting the Truth and Friendship Commission which Indonesia and Timor-Leste had agreed to establish.²¹⁰ By an exchange of letters dated 24 June and 28 September 2005 between the Secretary-General and the President of the Security Council,²¹¹ the Council took note of the full report of the Commission of Experts²¹² and requested the Secretary-General, in close consultation with his Special Representative for Timor-Leste, to submit a report on justice and reconciliation for Timor-Leste with a practically feasible approach, taking into account the report of the Commission of Experts, as well as the views expressed by Indonesia and Timor-Leste. By resolution 1704 (2006) of 25 August 2006, the Council took note of the findings contained in the report of the Commission of Experts and welcomed the efforts so far by Indonesia and Timor-Leste in pursuance of truth and friendship, encouraged the two Governments and the Commissioners to make every

²⁰⁵ S/2007/680.

²⁰⁶ S/2007/568.

²⁰⁷ Resolution 1573 (2004), para. 6.

²⁰⁸ S/2005/96 and S/2005/97.

²⁰⁹ S/2005/104.

²¹⁰ Resolution 1599 (2005), para. 9.

²¹¹ S/2005/458 and S/2005/613.

²¹² S/2005/458, annex II.

effort to strengthen the efficiency and credibility of the Truth and Friendship Commission in order to ensure further conformity with human rights principles, with a view to ensuring credible accountability.²¹³

F. Peacekeeping operations, political missions and regional offices

As stated by the Secretary-General in his report on the work of the Organization of 2007,²¹⁴ the period under review saw a surge in the complexity of peacekeeping activity. By 2007, the number of deployed personnel in peace operations and other field missions and offices had grown to over 100,000. A number of new approaches and types of missions were introduced, including the first joint African Union-United Nations mission and integrated offices, such as the United Nations Integrated Offices in Burundi and Sierra Leone, which brought together the work of different United Nations agencies and functions. In addition to the deployment of peacekeeping missions to support the transition from conflict, monitor ceasefires and other tasks, the Security Council continued, between 2004 and 2007, with its peacebuilding efforts to provide support to countries recovering from conflict. The record for the period examined below displays a number of successfully completed mandates of missions such as the United Nations Operation in Burundi and the United Nations Tajikistan Office of Peacebuilding, as well as the establishment of new, or the reinforcement of existing, missions.

From 2004 to 2007, the Council established, often acting under Chapter VII of the Charter for the entire mandate or part of it, seven new peacekeeping operations — in Burundi,²¹⁵ the Central African Republic and Chad,²¹⁶ Côte d'Ivoire,²¹⁷ Darfur,²¹⁸ the Sudan,²¹⁹ Haiti²²⁰ and Timor-Leste.²²¹ During the

same period, the Council further authorized the establishment of six political missions — in Burundi,²²² Sierra Leone,²²³ the Sudan,²²⁴ Bougainville,²²⁵ Nepal²²⁶ and Timor-Leste.²²⁷ The Council also authorized nine operations to be terminated or transitioned to new peacekeeping or political missions.²²⁸ 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.

Twenty peacekeeping operations and 14 political missions are considered below, by geographic region, as well as two regional offices in a separate section. The studies of these operations and missions in each region are generally in the order of their establishment, while interlinked operations are dealt with consecutively. As a more detailed account of Council proceedings, including deliberations by the Council on the specific agenda item and the content of related reports of the Secretary-General, is set out in chapter VIII of this volume, this 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 under review. 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 under review were financed through assessed contributions by Member States, except for the United Nations Truce Supervision Organization and the United Nations Military Observer Group in India and Pakistan which

²¹³ Resolution 1704 (2006), para. 11.

²¹⁴ A/62/1.

²¹⁵ United Nations Operation in Burundi (ONUB).

²¹⁶ United Nations Mission in the Central African Republic and Chad (MINURCAT).

²¹⁷ United Nations Operation in Côte d'Ivoire (UNOCI).

²¹⁸ African Union-United Nations Hybrid Operation in Darfur (UNAMID).

²¹⁹ United Nations Mission in the Sudan (UNMIS).

²²⁰ United Nations Stabilization Mission in Haiti (MINUSTAH).

²²¹ United Nations Integrated Mission in Timor-Leste (UNMIT).

²²² United Nations Integrated Office in Burundi (BINUB).

²²³ United Nations Integrated Office in Sierra Leone (UNIOSIL).

²²⁴ United Nations Advance Mission in the Sudan (UNAMIS).

²²⁵ United Nations Observer Mission in Bougainville (UNOMB).

²²⁶ United Nations Mission in Nepal (UNMIN).

²²⁷ United Nations Office in Timor-Leste (UNOTIL).

²²⁸ United Nations Office in Burundi (UNOB), United Nations Operation in Burundi (ONUB), United Nations Mission in Côte d'Ivoire (MINUCI), United Nations Mission in Sierra Leone (UNAMSIL), United Nations Advance Mission in the Sudan (UNAMIS), United Nations Observer Mission in Bougainville (UNOMB), United Nations Tajikistan Office of Peacebuilding (UNTOP), United Nations Mission of Support in East Timor (UNMISSET), and United Nations Office in Timor-Leste (UNOTIL).

were funded from the regular budget of the Organization.

Peacekeeping operations and political missions

Africa

1. United Nations Mission for the Referendum in Western Sahara

At the beginning of 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 Polisario to hold a free, fair and impartial referendum for self-determination that would allow the people of Western Sahara to decide the future status of the territory.

Mandate implementation

By a series of resolutions,²²⁹ adopted on the basis of the Secretary-General's reports,²³⁰ the Security Council successively extended the mandate of MINURSO for additional periods of three months to six months, the last until 30 April 2008.

By resolution 1541 (2004) of 29 April 2004, the Council requested the Secretary-General to provide an evaluation of the Mission's size necessary to carry out its mandated tasks with a view to its possible reduction.²³¹ The Secretary-General, in his report of 20 October 2004, responded by providing a review of the Mission's strength with two options and concluded that the Mission's military component as then structured and staffed provided an essential element of confidence-building and conflict management on the ground and that no reduction should come at the

expense of the capacity and credibility of the United Nations operational and political role.²³²

By resolution 1570 (2004) of 28 October 2004, the Council requested the Secretary-General to report on the Mission's size and concept of operations, with further detail on the options discussed in his above-mentioned report on the possible reduction of MINURSO staff, including civilian and administrative personnel.²³³ In response, the Secretary-General in his report of 19 April 2005 recommended that the size of the Mission not be reduced at that time, given that MINURSO should be in a position to provide an adequate response and ensure effective ceasefire monitoring.²³⁴

By resolution 1598 (2005) of 28 April 2005, the Council looked forward to receiving the results of the comprehensive review of the structure of the administrative and other civilian components of the Mission, as outlined in the report of the Secretary-General of 19 April 2005. In his report of 13 October 2005, the Secretary-General informed the Council that the outcome of the review included recommendations aimed at reconfiguring the civilian structure to better support the current mandated activities, ensure greater integration between the military and civilian components and enhance the management of MINURSO by reducing the civilian component by 57 posts (47 international and 10 local), to be offset by an increase of 18 international posts and creation of 24 United Nations Volunteer posts. The recommendations would be implemented in a phased manner and were expected to be completed by mid-2006.²³⁵ In his subsequent reports, the Secretary-General reported the implementation of the restructuring of the civilian and administrative components.²³⁶

²³² S/2004/827.

²³³ Resolution 1570 (2004), para. 2.

²³⁴ S/2005/254, para. 26.

²³⁵ S/2005/648, para. 21.

²³⁶ S/2006/249, para. 28; S/2006/817, para. 48; and S/2007/619, para. 57.

²²⁹ Resolutions 1523 (2004), para. 1; 1541 (2004), para. 4; 1570 (2004), para. 1; 1598 (2005) para. 1; 1634 (2005), para. 3; 1675 (2006), para. 5; 1720 (2006), para. 5; 1754 (2007), para. 8; and 1783 (2007), para. 8.

²³⁰ S/2004/39, S/2004/325, S/2004/827, S/2005/254, S/2005/648, S/2006/249, S/2006/817, S/2007/202 and S/2007/619.

²³¹ Resolution 1541 (2004), para. 5.

2. United Nations Office in Burundi

At the beginning of the period under review, the United Nations Office in Burundi (UNOB), established in November 1993, continued to support initiatives aimed at promoting peace and reconciliation in that country, including the implementation of the Arusha Agreement on Peace and Reconciliation in Burundi of 28 April 2000.²³⁷

Termination/transition into a new mission

In his report of 16 March 2004, the Secretary-General recommended that, building on the capacities of the civilian component of UNOB, the Council establish a multidimensional United Nations peacekeeping operation to support the peace process in Burundi.²³⁸ By resolution 1545 (2004) of 21 May 2004, the Council welcomed the recommendations in that report and authorized the deployment of a new peacekeeping operation in Burundi, the United Nations Operation in Burundi (ONUB), effective 1 June 2004.²³⁹ As from that date, UNOB was integrated into the new mission.

3. United Nations Operation in Burundi

Establishment, mandate and composition

In letters addressed to the President of the Security Council dated 15 and 17 March 2004, the Government of Burundi and the Chairperson of the Commission of the African Union, respectively, proposed the deployment of a United Nations peacekeeping mission in Burundi to continue to support the consolidation of the peace process.²⁴⁰ In his report dated 16 March 2004, the Secretary-General recommended the authorization for the deployment of a multidimensional United Nations peacekeeping operation, which would comprise a military component, based on the reassignment of the African Mission in Burundi²⁴¹ with a total troop strength of 5,650, as well as a civilian component which would

build on the capacities of UNOB and consist of various elements.²⁴²

On 21 May 2004, by resolution 1545 (2004), taking note of the above-mentioned letters, the Council welcomed the recommendations contained in the report of the Secretary-General and decided to authorize, acting under Chapter VII of the Charter, for an initial period of six months from 1 June 2004, the deployment of the United Nations Operation in Burundi (ONUB).²⁴³

By resolution 1545 (2004), the Council authorized ONUB to use all necessary means to carry out the following mandate: (a) to ensure the respect of ceasefire agreements, through monitoring their implementation and investigating their violations; (b) to promote the re-establishment of confidence between the Burundian forces present, monitor and provide security at their pre-disarmament assembly sites, collect and secure weapons and military materiel to dispose of it as appropriate, and contribute to the dismantling of militias as called for in the ceasefire agreements; (c) to carry out the disarmament and demobilization portions of the national programme of disarmament, demobilization and reintegration of combatants; (d) to monitor the quartering of the armed forces of Burundi and their heavy weapons, as well as the disarmament and demobilization of the elements that needed to be disarmed and demobilized; (e) to monitor, to the extent possible, the illegal flow of arms across the national borders, including Lake Tanganyika, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and, as appropriate, with the group of experts referred to in resolution 1533 (2004); (f) to contribute to the creation of the necessary security conditions for the provision of humanitarian assistance, and facilitate the voluntary return of refugees and internally displaced persons; (g) to contribute to the successful completion of the electoral process stipulated in the Arusha Agreement, by ensuring a secure environment for free, transparent and peaceful elections; (h) without prejudice to the responsibility of the Transitional Government of Burundi, to protect civilians under imminent threat of physical violence; and (i) to ensure the protection of United Nations personnel, facilities, installations and

²³⁷ S/2001/1207.

²³⁸ S/2004/210, paras. 63-66.

²³⁹ Resolution 1545 (2004), para. 1.

²⁴⁰ S/2004/208 and S/2004/270, annex.

²⁴¹ The African Mission in Burundi was established by the African Union on 2 April 2003 (see S/2004/210, para. 58). For more information on the Mission, see chap. XII, part III, sect. B.

²⁴² S/2004/210, paras. 63-96.

²⁴³ Resolution 1545 (2004), para. 1.

equipment, as well as the security and freedom of movement of ONUB personnel, and to coordinate and conduct, as appropriate, mine action activities in support of its mandate.²⁴⁴

ONUB was also mandated to provide advice and assistance to the Transitional Government and authorities to contribute to their efforts (a) to monitor the borders of Burundi, with special attention to refugees, as well as to movements of combatants, especially in Cibitoké Province; (b) to carry out institutional reforms as well as the constitution of the integrated national defence and internal security forces and, in particular, the training and monitoring of the police, while ensuring that they were democratic and fully respected human rights and fundamental freedoms; (c) to proceed with electoral activities; (d) to complete implementation of the reform of the judiciary and correction system, in accordance with the Arusha Agreement; and (e) to ensure, in close liaison with the Office of the United Nations High Commissioner for Human Rights, the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, and investigate human rights violations to put an end to impunity.²⁴⁵

In addition, the Council decided that ONUB should cooperate with the Government and authorities of Burundi, as well as their international partners, to ensure the coherence of their work, in assisting the Government and authorities of Burundi in (a) extending State authority and utilities throughout the territory, including civilian police and judicial institutions; and (b) carrying out the national programme of disarmament, demobilization and reintegration of combatants and members of their families, including those coming from the territory of the Democratic Republic of the Congo, in liaison with the Government of that country and MONUC, and with particular attention to the specific needs of women and children.²⁴⁶ Furthermore, the Council decided that ONUB should carry out its mandate in close cooperation with MONUC in particular concerning monitoring and prevention of movements of combatants across the border between Burundi and the Democratic Republic of the Congo, as well as the

implementation of the disarmament and demobilization programmes.²⁴⁷

Also by resolution 1545 (2004) the Council decided that ONUB should consist of a maximum of 5,650 military personnel, including 200 observers and 125 staff officers, and up to 120 civilian police personnel, and would be headed by the Special Representative of the Secretary-General.²⁴⁸ The appointments of the Special Representative of the Secretary-General for Burundi and Head of ONUB as well as the Force Commander were confirmed through exchanges of letters between the Secretary-General and the President of the Security Council.²⁴⁹

Mandate implementation

During the period under review, the mandate of ONUB was extended by a series of resolutions adopted under Chapter VII of the Charter for periods of up to six months until its termination on 31 December 2006,²⁵⁰ in accordance with the recommendations of the Secretary-General.²⁵¹

Following the massacre of refugees from the Democratic Republic of the Congo which had occurred in Gatumba, Burundi, on 13 August 2004, in a statement by the President of 15 August 2004, the Council requested ONUB and MONUC to offer their assistance to the Burundian and Congolese authorities with a view to facilitating the investigation and to strengthening the security of vulnerable populations.²⁵²

By resolution 1650 (2005) of 21 December 2005, the Council authorized the temporary redeployment of military and civilian police personnel among ONUB and MONUC, subject to the conditions that (a) the Secretary-General should receive the prior agreement of the countries contributing military and civilian police personnel and of the Governments concerned, (b) the Secretary-General should inform the Council in advance of his intention to proceed with such a redeployment, and in particular of its proposed scope and duration and

²⁴⁴ Ibid., para. 5.

²⁴⁵ Ibid., para. 6.

²⁴⁶ Ibid., para. 7.

²⁴⁷ Ibid., para. 21.

²⁴⁸ Ibid., paras. 3 and 4.

²⁴⁹ S/2004/433 and S/2004/434; S/2004/583 and S/2004/584.

²⁵⁰ Resolutions 1577 (2004), para. 1; 1602 (2005), para. 1; 1641 (2005), para. 1; 1650 (2005), para. 2; and 1692 (2006), para. 1.

²⁵¹ S/2004/902, S/2005/328, S/2005/728 and S/2006/429.

²⁵² S/PRST/2004/30.

(c) any such redeployment should require a corresponding prior decision of the Council, while underlining that any such transfer should not have the effect of extending the deployment of personnel after the expiration of the mandate of their original mission, unless the Council decided otherwise.²⁵³

By resolution 1669 (2006) of 10 April 2006, adopted under Chapter VII of the Charter, the Council decided to authorize the Secretary-General to redeploy temporarily a maximum of one infantry battalion, a military hospital and up to 50 military observers from ONUB to MONUC, until 1 July 2006, in accordance with resolution 1650 (2005).²⁵⁴ This authorization was extended until 30 September 2006 by resolution 1692 (2006) of 30 June 2006.²⁵⁵

Following the successful completion of the transitional process, in a report dated 21 November 2005, the Secretary-General proposed, in response to a request from the Government of Burundi, that the military component of ONUB could begin its drawdown in December with the withdrawal of one national contingent. The phased withdrawal would result in a reduction of approximately 2,000 personnel, or 40 per cent of the authorized strength of ONUB. He also proposed that the number of military observers deployed throughout the country would be reduced from the authorized strength of 200 to 120 by the end of April 2006.²⁵⁶

By a letter dated 23 November 2005 to the President of the Council, the representative of Burundi, *inter alia*, agreed with the drawdown of ONUB from December 2005 to April 2006 and outlined what his Government wished for the remainder of the ONUB mandate.²⁵⁷

By resolution 1650 (2005), the Council took note of the position of the Government of Burundi on the evolution of the mandate of ONUB, as recorded in its letter mentioned above, and of the above-mentioned recommendations of the Secretary-General.²⁵⁸ The

Council also welcomed the readiness expressed by the Secretary-General to continue to consult closely with the Government of Burundi, with a view to determining, on the basis of the recommendations referred to in the letter of 23 November 2005 from the representative of Burundi, the modalities for implementing a gradual disengagement of the United Nations peacekeeping presence and of an adjustment to its mandate, taking into account all the circumstances, as well as the merits of a United Nations contribution and support to the consolidation of peace in Burundi.²⁵⁹

In his report of 21 March 2006, the Secretary-General noted that, subsequent to consultations with the Government of Burundi as requested in resolution 1650 (2005), it was decided that the disengagement of ONUB would be completed by 31 December 2006, and the liquidation of assets and the repatriation of all support staff completed by mid-2007. During this period, ONUB would continue to carry out its mandated tasks concerning the monitoring of Burundi's borders with the Democratic Republic of the Congo and the illicit cross-border movement of arms and personnel as well as perform other tasks related to training for the Burundi National Police; disarmament, demobilization and reintegration; security sector reform; human rights and transitional justice; and mine action, as it progressively transferred responsibilities to the Government.²⁶⁰ The Council approved those recommendations in a statement by the President on 23 March 2006.²⁶¹

Termination/transition to a new mission

By resolution 1692 (2006), the Council, in extending the mandate of ONUB for a final period until 31 December 2006, welcomed the Secretary-General's intention to establish an integrated office of the United Nations in Burundi, following the conclusion of the mandate of ONUB.²⁶²

By resolution 1719 (2006) of 25 October 2006, the Council expressed its gratitude to ONUB for its contribution to the successful completion of the transitional process in Burundi and peace in the region.²⁶³

²⁵³ Resolution 1650 (2005), paras. 5-6.

²⁵⁴ Resolution 1669 (2006), para. 1.

²⁵⁵ Resolution 1692 (2006), para. 2. For subsequent extensions of the authorization, see the study on the United Nations Operation in the Congo in the present chapter.

²⁵⁶ S/2005/728, paras. 57-60.

²⁵⁷ S/2005/736.

²⁵⁸ Resolution 1650 (2005), eleventh preambular paragraph and para. 1.

²⁵⁹ *Ibid.*, para. 3.

²⁶⁰ S/2006/163, paras. 62-74.

²⁶¹ S/PRST/2006/12.

²⁶² Resolution 1692 (2006), para. 3.

²⁶³ Resolution 1719 (2006), eleventh preambular paragraph.

In November 2006, through an exchange of letters between the Secretary-General and the President of the Council, in accordance with the requests of the Government of Burundi and the South African Facilitation of the Burundi peace process, the Council concurred with the Secretary-General's intention to extend the deployment of the remaining two infantry battalions and supporting military units of ONUB, which had been expected to depart in November and December, until 31 December 2006. This slight adjustment was aimed to help assure the early and uninterrupted implementation of the comprehensive ceasefire agreement signed on 7 September 2006 and would not affect the expiration of the overall mandate of ONUB.²⁶⁴ The mandate of ONUB was successfully concluded on 31 December 2006.

4. United Nations Integrated Office in Burundi

Establishment, mandate and composition

In his report of 14 August 2006 and the addendum thereto, as requested in resolution 1692 (2006), the Secretary-General outlined the proposed structure, mandate and requisite resources for a small United Nations integrated office in Burundi following the withdrawal of ONUB.²⁶⁵

On 25 October 2006, by resolution 1719 (2006), the Council welcomed the recommendation of the Secretary-General on the establishment of the United Nations Integrated Office in Burundi (BINUB). The Council decided to establish BINUB for an initial period of 12 months commencing on 1 January 2007 to support the Government of Burundi in its effort towards long-term peace and stability throughout the peace consolidation phase in Burundi, including by ensuring coherence and coordination of the United Nations agencies in Burundi.²⁶⁶

As to its mandate, the Council requested²⁶⁷ that BINUB focus on and support the Government of Burundi, in coordination with donors and taking account of the agreement concluded on 24 May 2006 by the Government of Burundi and the Secretary-General and of the role of the Peacebuilding Commission, in the areas of (a) peace consolidation

and democratic governance;²⁶⁸ (b) disarmament, demobilization and reintegration and reform of the security sector;²⁶⁹ (c) promotion and protection of human rights and measures to end impunity;²⁷⁰ and (d) donor and United Nations agency coordination.²⁷¹ The Council also stressed the need for cooperation, within the limits of their respective capacities and current mandates, between BINUB and MONUC.²⁷²

Pursuant to resolution 1719 (2006), BINUB was headed by an Executive Representative of the Secretary-General, who also served as the United Nations Resident Coordinator and Humanitarian Coordinator, and as the Resident Representative of the

²⁶⁸ The specific tasks in this area were (i) strengthening the capacity of national institutions and civil society to address the root causes of conflict and to prevent, manage and resolve internal conflicts; (ii) strengthening good governance and the transparency and accountability of public institutions; (iii) promotion of freedom of the press and strengthening the legal and regulatory framework for the media and communications, and enhancing the professionalization of the media; and (iv) consolidation of the rule of law.

²⁶⁹ The specific tasks in this area were (i) support for the implementation of the Comprehensive Ceasefire Agreement signed at Dar es Salaam on 7 September 2006; (ii) support for the development of a national plan for reform of the security sector and the provision of technical assistance for its implementation and enhancement of the professionalization of the National Defence Force of Burundi; (iii) support for the completion of the national programme for the demobilization and reintegration of former combatants; and (iv) support for efforts to combat the proliferation of small arms and light weapons.

²⁷⁰ The specific tasks in this area were (i) promotion and protection of human rights; and (ii) support for efforts to combat impunity, particularly through the establishment of transitional justice mechanisms, including a truth and reconciliation commission and a special tribunal.

²⁷¹ The specific tasks in this area were (i) strengthening the partnership between the Government and donors for the implementation of priority, emergency and longer-term activities, within the framework of the Government's emergency programme and the poverty reduction strategy paper; (ii) strengthening the Government's capacity for donor coordination, effective communication with donors and mobilization of resources in line with the poverty reduction strategy paper; and (iii) ensuring effective coordination among the strategies and programmes of the various United Nations agencies, funds and programmes in Burundi.

²⁷² Resolution 1719 (2006), para. 4.

²⁶⁴ S/2006/866 and S/2006/867.

²⁶⁵ S/2006/429 and Add.1.

²⁶⁶ Resolution 1719 (2006), thirteenth and fourteenth preambular paragraphs and para. 1.

²⁶⁷ *Ibid.*, para. 2.

United Nations Development Programme (UNDP).²⁷³ In addition to the Executive Representative's office, BINUB comprised four integrated sections covering the key areas of its mandate, namely, (a) peace and governance; (b) security sector reform and small arms; (c) human rights and justice, comprising up to 20 international personnel; and (d) public information and communications. Those substantive sections of BINUB were complemented by national officers and United Nations Volunteers as well as administrative personnel.²⁷⁴ The appointment of the Executive Representative for Burundi was confirmed through an exchange of letters between the Secretary-General and the President of the Council.²⁷⁵

Mandate implementation

By resolution 1791 (2007) of 19 December 2007, having considered the report of the Secretary-General,²⁷⁶ the Council decided to extend until 31 December 2008 the mandate of BINUB as set out in resolution 1719 (2006).²⁷⁷

5. United Nations Political Office for Somalia

At the beginning of 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.

Mandate implementation

During the period under review, the mandate of UNPOS was extended twice, through exchanges of letters between the Secretary-General and the President of the Council, for periods of two years, the last of which was for the biennium 2008-2009.²⁷⁸

In his report of 8 October 2004, the Secretary-General observed that, at the stage of progress in the

Somali peace process, there was likely to be a call for an expanded peacebuilding role and presence for the United Nations, in order that it might assist the Somali parties in implementing their agreement. At the same time, he stated that it was clear that any enhanced role for the Organization in Somalia needed to be incremental and should be based on the outcome of discussions with the new government. Therefore, he proposed that the resources available to UNPOS for 2004-2005 be maintained at the current level.²⁷⁹ In its presidential statement of 26 October 2004, the Council agreed with that assessment of the Secretary-General and looked forward to his recommendations in that regard.²⁸⁰

In his report of 18 February 2005, the Secretary-General recommended that, as requested by the Transitional Federal Government, the regional countries and the international donor community, UNPOS take the lead in coordinating support to the Government to implement the agreements reached at the Somali National Reconciliation Conference and establish peace and stability in Somalia. He stated that such a role would include (a) assisting in the continuous dialogue among Somali parties for reconciliation; (b) assisting in the effort to address the issue of "Somaliland"; (c) coordinating support for the peace process with the neighbours of Somalia and other international partners; and (d) chairing the Coordination and Monitoring Committee, as well as playing a leading political role in peacebuilding activities in Somalia. The staff of UNPOS would need to be augmented in the key areas of political and military liaison, information, civil police, disarmament, demobilization and reintegration and human rights and UNPOS would also have to provide secretariat services to the Committee. Considering those new tasks and the need to co-chair the Committee with the Prime Minister of the Transitional Federal Government, the Secretary-General recommended appointing a Special Representative, at the Assistant Secretary-General level, to lead the expanded United Nations role, who would be assisted by an augmented staff at UNPOS, including a senior deputy.²⁸¹ In a statement by the President of 7 March 2005,²⁸² the Council welcomed the efforts of UNPOS and its leading role in

²⁷³ *Ibid.*, paras. 1 and 5.

²⁷⁴ See S/2006/429/Add.1.

²⁷⁵ S/2006/1020 and S/2006/1021.

²⁷⁶ S/2007/682.

²⁷⁷ Resolution 1792 (2007), eleventh preambular paragraph and para. 1.

²⁷⁸ S/2005/729 and S/2005/730; S/2007/762 and S/2007/763.

²⁷⁹ S/2004/804, para. 57.

²⁸⁰ S/PRST/2004/38, para. 9.

²⁸¹ S/2005/89, paras. 81 and 82.

²⁸² S/PRST/2005/11, para. 9.

coordinating support for the Transitional Federal Government mentioned above and took note of the need to expand the United Nations presence as proposed by the Secretary-General. Subsequently, the appointment of the Special Representative for Somalia and Head of UNPOS was confirmed through an exchange of letters between the Secretary-General and the President of the Council.²⁸³

In his report of 16 June 2005, the Secretary-General noted that, as part of the expansion of UNPOS, a military adviser would join the Office's staff, one of whose tasks would be to liaise with military counterparts in the African Union and the Intergovernmental Authority on Development, which were planning a peace support mission for Somalia, and other relevant institutions.²⁸⁴ In a statement by the President of 14 July 2005, the Council welcomed the steps being taken to strengthen the capacity of UNPOS.²⁸⁵

In a letter dated 16 November 2005 to the President of the Council, the Secretary-General held that during 2006 the main objectives of UNPOS would be to continue efforts to foster inclusive dialogue and reconciliation among the transitional federal institutions of Somalia, support the establishment of governance structures and institutions and develop plans of action for them in close coordination with the Transitional Federal Government, the United Nations country team and the international community. UNPOS would also coordinate the political and financial support of the international community to the nascent Somali institutions. Given the essential role of UNPOS at that critical juncture of the Somali peace process, the Secretary-General added that it was his intention to continue those activities for the biennium 2006-2007; the Council took note of that intention.²⁸⁶

By resolution 1772 (2007) of 20 August 2007 adopted under Chapter VII of the Charter, the Council requested the Secretary-General to continue and intensify his efforts to strengthen the National Reconciliation Congress and, more widely, promote an ongoing all-inclusive political process. In this context, the Council requested him to provide an assessment of further measures that might be required to strengthen

the ability of UNPOS to fulfil the enhanced role as envisaged, including the possibility of relocation from Nairobi to Mogadishu and any security measures that might be necessary for such a move.²⁸⁷ In response to that request, in August 2007, the level of the post of Head of UNPOS was upgraded to that of Under-Secretary-General through an exchange of letters between the Secretary-General and the President of the Council.²⁸⁸

Furthermore, in a letter dated 20 September 2007 to the President of the Council, the Secretary-General recommended that during 2008 UNPOS be provided with the necessary resources to implement an integrated United Nations approach for Somalia leading to a common United Nations peacebuilding strategy, which would include (a) the facilitation of mediation with all Somali parties; (b) the coordination of United Nations political, security, electoral, humanitarian and development support to the Somali transitional federal institutions; and (c) collaboration with external partners engaged in facilitation efforts.²⁸⁹

In the letter dated 24 December 2007 to the President of the Council, the Secretary-General reiterated those objectives and indicated that UNPOS would also support the development of a road map for the Somali peace process in concert with the Transitional Federal Government, the United Nations country team and the international community and work closely with United Nations Headquarters on contingency planning for a possible United Nations peacekeeping mission.²⁹⁰ In a letter dated 27 December 2007 from its President, the Council took note of the intention expressed by the Secretary-General.²⁹¹

6. United Nations Peacebuilding Support Office in Guinea-Bissau

At the beginning of the period under review, the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), established in March 1999 following consultations between the Secretary-General and Security Council, continued its activities in support of the country's efforts to ensure the full restoration of constitutional rule in accordance with the provisions of

²⁸³ S/2005/279 and S/2005/280.

²⁸⁴ S/2005/392, para. 77.

²⁸⁵ S/PRST/2005/32, para. 10.

²⁸⁶ See S/2005/729 and S/2005/730.

²⁸⁷ Resolution 1772 (2007), paras. 6 and 7.

²⁸⁸ S/2007/522 and S/2007/523.

²⁸⁹ S/2007/566.

²⁹⁰ S/2007/762.

²⁹¹ S/2007/763.

the Political Transition Charter of 28 September 2003, as well as its post-transitional efforts towards national reconciliation and stabilization.

Mandate implementation

During the period under review, the Council extended the mandate of UNOGBIS on four occasions on the basis of the recommendations of the Secretary-General,²⁹² by either a resolution or exchanges of letters between the Secretary-General and the President of the Council, for periods of 12 months, the last until 31 December 2008.²⁹³

By resolution 1580 (2004) of 22 December 2004, the Council, welcoming the recommendations made by the Secretary-General in his report of 15 December 2004,²⁹⁴ decided to revise the mandate of UNOGBIS to encompass the following tasks: (a) to support all efforts to enhance political dialogue, to promote national reconciliation and respect for the rule of law and human rights; (b) to support the efforts of all national stakeholders to ensure the full restoration of constitutional normalcy in accordance with the provisions of the Political Transition Charter of 28 September 2003, including through the holding of free and transparent presidential elections; (c) to assist with those elections in close cooperation with the United Nations country team and other international partners; (d) to assist in strengthening the national mechanisms for conflict prevention during the remainder of the transitional period and beyond; (e) to encourage and support national efforts to reform the security sector and to attract international support for those efforts; (f) to encourage the Government to fully implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;²⁹⁵ (g) to work closely with the Resident Coordinator and the United Nations country team to mobilize international financial assistance to enable the Government to meet its immediate financial and logistical needs and

implement its national reconstruction and social and economic development strategy; and (h) within the framework of a comprehensive peacebuilding strategy, to actively support efforts of the United Nations system and Guinea-Bissau's other partners towards strengthening State institutions and structures to enable them to uphold the rule of law, respect of human rights and the unimpeded and independent functioning of the executive, legislative and judicial branches of government.²⁹⁶

By resolution 1580 (2004), the Council also requested the Secretary-General to conduct a review of UNOGBIS with a view to adjusting its capacities to meet the requirements of its revised mandate.²⁹⁷ In response to this request, in his report of 16 March 2005, the Secretary-General recommended that, within the framework of its revised mandate as outlined in resolution 1580 (2004), UNOGBIS focus on the following activities: (a) to promote political dialogue with a view to generating a self-sustainable process of consensus-building on critical national issues; (b) to develop, as a first priority, stable civil-military relations through a profound reform of the armed forces as an institution subordinate to civilian authority; (c) to promote implementation of the Programme of Action on Small Arms as an urgent priority; (d) to advance a comprehensive and integrated United Nations peacebuilding strategy, under UNOGBIS coordination and with the support of the United Nations country team as a whole; and (e) to adjust the use of its available human and financial resources as well as to seek supplementary resources in order to respond more effectively to the requirements of the revised mandate, including the creation of new posts.²⁹⁸

Following the successful holding of the presidential elections in Guinea-Bissau, in a statement by the President of 19 August 2005, the Council invited the Secretary-General to present recommendations regarding updating of the UNOGBIS mandate and its role in the consolidation of peace and stability in Guinea-Bissau in the post-transition period.²⁹⁹ In his report of 12 September 2005, the Secretary-General recommended that the mandate of

²⁹² S/2004/969, S/2005/752, S/2006/946 and S/2007/715.

²⁹³ Resolution 1580 (2004), para. 1; S/2005/795 and S/2005/796; S/2006/974 and S/2006/975; S/2007/700 and S/2007/701.

²⁹⁴ S/2004/969.

²⁹⁵ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001 (A/CONF.192/15)*, chap. IV, para. 24.

²⁹⁶ Resolution 1580 (2004), sixth preambular paragraph and para. 2.

²⁹⁷ *Ibid.*, para. 10.

²⁹⁸ S/2005/174, para. 30.

²⁹⁹ S/PRST/2005/39.

UNOGBIS be revised: (a) to support efforts to consolidate constitutional rule, to enhance political dialogue and to promote national reconciliation and respect for the rule of law and human rights; (b) to assist in strengthening the capacity of national institutions to maintain constitutional order, to prevent and manage conflict and to consolidate peace and democracy; (c) to encourage and support national efforts to reform the security sector, including the development of stable civil-military relations; (d) to encourage the Government to fully implement the Programme of Action on Small Arms; (e) within the framework of a comprehensive peacebuilding strategy, to work closely with the Resident Coordinator and the United Nations country team to mobilize international financial assistance to enable the Government to meet its immediate financial and logistical needs and to implement its national reconstruction and social and economic development strategy; and (f) to enhance cooperation and coordination with the African Union, the Economic Community of West African States (ECOWAS), the Community of Portuguese-speaking Countries, and other international partners, as well as inter-mission cooperation. The emphasis of the revised mandate would be on initiatives that met the requirements of self-sustainability and national ownership; the developments of synergies with United Nations agencies and other international actors, political dialogue, governance, human rights, security sector reform and resource mobilization.³⁰⁰ In addition, he recommended that the Office's resource base be adjusted, as outlined in his report of 16 March 2005.³⁰¹ In December 2005, the recommendations of the Secretary-General on the revision of the mandate were approved through an exchange of letters between the Secretary-General and the President of the Council.³⁰²

In his letter dated 8 December 2006 to the President of the Council, the Secretary-General, reiterating recommendations to extend the mandate of UNOGBIS in his earlier reports, stated that the proposed extension would allow UNOGBIS to operate under a streamlined mandate highlighting mediation and good offices functions aimed at promoting dialogue and reconciliation in order to reduce current divisive and polarizing pressures hampering the restoration of normalcy. The revised mandate of

UNOGBIS would focus on (a) supporting national reconciliation and dialogue; (b) assisting with security sector reform; (c) promoting respect for the rule of law and human rights; (d) mainstreaming a gender perspective into peacebuilding, in line with resolution 1325 (2000); (e) promoting the peaceful settlement of disputes; (f) helping to mobilize international assistance reconstruction efforts; (g) facilitating efforts to curb proliferation of small arms and light weapons; and (h) enhancing cooperation with the African Union, ECOWAS, the Community of Portuguese-speaking Countries, the European Union and other international partners.³⁰³ In a letter from its President, the Council took note of the proposal.³⁰⁴

In his report dated 20 March 2007, the Secretary-General informed the Council that, on 5 December 2006, the President of Guinea-Bissau had requested that UNOGBIS and the United Nations country team be transformed into an integrated office.³⁰⁵ In a statement of the President dated 19 October 2007, the Council requested the Secretary-General to present proposals on how best the United Nations could provide effective assistance in an integrated and holistic manner to national efforts in order to contribute to the sustainable stabilization.³⁰⁶ In a letter to the President dated 28 November 2007,³⁰⁷ the Secretary-General proposed a slight revision of the mandate of UNOGBIS, which was subsequently approved by the Council in a letter from its President.³⁰⁸ UNOGBIS was given the additional mandate to facilitate efforts to combat drug and human trafficking and organized crime and assist with the holding of credible and transparent legislative elections in 2008, in close cooperation with the United Nations country team and other international partners. The Secretary-General also indicated his intention, following the holding of credible and transparent legislative elections in 2008, to explore the possibility of transforming UNOGBIS into an integrated mission in Guinea-Bissau to provide a holistic approach to addressing the complex and multidimensional situation facing Guinea-Bissau, and to make recommendations thereon to the Council.³⁰⁷

³⁰⁰ S/2005/575, paras. 35-37.

³⁰¹ S/2005/174.

³⁰² S/2005/795 and S/2005/796.

³⁰³ S/2006/974.

³⁰⁴ S/2006/975.

³⁰⁵ S/2007/158, para. 27.

³⁰⁶ S/PRST/2007/38, para. 9.

³⁰⁷ S/2007/700.

³⁰⁸ S/2007/701.

7. United Nations Mission in Sierra Leone

At the beginning of the period under review, the United Nations Mission in Sierra Leone (UNAMSIL), established pursuant to resolution 1270 (1999), continued, with a mandate under Chapter VII of the Charter, to use all necessary means to assist the Government of Sierra Leone to extend its authority, restore law and order, stabilize the situation progressively throughout the entire country, and to assist in the promotion of a political process, which should lead to a renewed disarmament, demobilization and reintegration programme and the holding of free and fair elections. The Council had by resolution 1492 (2003) approved a plan for the phased drawdown of the Mission.

Mandate implementation

During the period under review, on the recommendations of the Secretary-General,³⁰⁹ the Council extended the mandate of UNAMSIL by a series of resolutions,³¹⁰ for periods of six to nine months, until its termination on 31 December 2005.

By resolution 1537 (2004) of 30 March 2004, the Council welcomed the Secretary-General's intention to adjust the timetable for the drawdown of UNAMSIL during 2004,³¹¹ in order to ensure a more gradual reduction in its military strength and decided that a residual UNAMSIL presence would remain in Sierra Leone, for an initial period of six months from 1 January 2005, reduced from the December 2004 level of 5,000 troops, to a new ceiling of 3,250 troops, 141 military observers and 80 United Nations civilian police personnel by 28 February 2005. The Council also requested UNAMSIL to share its experience with the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI) and to carry out its mandate in close liaison with them, especially in the prevention of movements of arms and combatants across borders and in the implementation of disarmament, demobilization and reintegration programmes.³¹²

By resolution 1562 (2004) of 17 September 2004, the Council, acting under Chapter VII of the Charter,

³⁰⁹ S/2004/228, S/2004/724 and S/2005/273.

³¹⁰ Resolutions 1537 (2004), para. 1; 1562 (2004), para. 1; and 1610 (2005), para. 1.

³¹¹ S/2004/228, para. 72.

³¹² Resolution 1537 (2004), paras. 2, 5 and 11.

decided that the residual UNAMSIL presence which should remain in Sierra Leone from 1 January 2005 should carry out military and civilian police tasks to (a) monitor the overall security situation, support the Sierra Leone armed forces and police in patrolling the border and diamond-mining areas and monitor the growing capacity of the Sierra Leone security sector; (b) support the Sierra Leone police in maintaining internal security, including for the Special Court for Sierra Leone while the Mission remained deployed in Sierra Leone; (c) assist the Sierra Leone police with its programme of recruitment, training and mentoring designed to strengthen further the capacity and resources of the police; and (d) protect United Nations personnel, installations and equipment and ensure the security and freedom of movement of United Nations personnel, within its capabilities and its areas of deployment. Its civilian tasks were to (a) monitor the repatriation, reception, resettlement and reintegration of Sierra Leonean ex-combatants from abroad; (b) monitor, investigate, report and promote the observance of human rights; (c) disseminate information on the mandate and purpose of the mission and publicize the Government's primary responsibility for national security, including through United Nations radio; and (d) monitor progress towards consolidation of State authority throughout the country. The Council also authorized the residual Mission presence to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment.³¹³ The Council further expressed its intention to review regularly the residual Mission presence against the following benchmarks: (a) strengthening the capacity of the Sierra Leone armed forces and police to maintain security and stability effectively throughout the country; (b) consolidating State authority throughout the country; and (c) consolidating the deployment of the United Nations Mission in Liberia throughout Liberia.

Termination/transition into a new mission

By resolution 1609 (2005) of 24 June 2005, the Council, having taken note of the Secretary-General's report of 2 March 2005 on inter-mission cooperation and possible cross-border operations between UNAMSIL, UNMIL and UNOCI,³¹⁴ and acting under Chapter VII of the Charter, authorized the temporary

³¹³ Resolution 1562 (2004), paras. 2 and 3.

³¹⁴ S/2005/135.

redeployment of military and civilian police personnel among those three missions to deal with challenges which could not be handled within the authorized personnel ceiling of a given mission.³¹⁵

In his report dated 26 April 2005, the Secretary-General held that an adjustment in the strategy of the United Nations involvement in Sierra Leone was warranted and therefore recommended the Council to extend the mandate of UNAMSIL for a final period of six months, until the end of 2005, and that the drawdown commence in mid-August 2005 and be essentially completed by 31 December 2005.³¹⁶ By resolution 1610 (2005) of 30 June 2005, adopted under Chapter VII of the Charter, the Council extended the mandate of UNAMSIL for a final period of six months until 31 December 2005 and requested the Secretary-General to finalize the necessary planning for an appropriate integrated United Nations system presence in Sierra Leone after the mission had withdrawn.³¹⁷

By resolution 1620 (2005) of 31 August 2005 and similarly by a presidential statement of 20 December 2005, the Council commended the valuable contribution of UNAMSIL had made to the recovery of Sierra Leone from conflict and to the country's peace, security and development; by the same statement, the Council noted with satisfaction the innovations in the Mission's methods of operation that might prove useful best practice in making other United Nations peacekeeping operations more effective and efficient, including an exit strategy based on specific benchmarks for drawdown; an integrated mission with a Deputy Special Representative managing governance, development and humanitarian elements; and substantial, regular cooperation and coordination with other United Nations peacekeeping operations and offices in the region.³¹⁸ The mandate of UNAMSIL ended on 31 December 2005.

8. United Nations Integrated Office in Sierra Leone Establishment, mandate and composition

³¹⁵ Resolution 1609 (2005), fifth preambular paragraph and paras. 5 and 6. See also the sections on the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire in the present chapter.

³¹⁶ S/2005/273, para. 78.

³¹⁷ Resolution 1610 (2005), para. 2.

³¹⁸ Resolution 1620 (2005), second preambular paragraph, and S/PRST/2005/63, paras. 1 and 2.

In a letter dated 21 June 2005 to the Secretary-General, the President of Sierra Leone requested a continued United Nations integrated presence in Sierra Leone to assist the Government in promoting good governance, development, human rights and security, in building its national capacity and in preparing for the 2007 general elections.³¹⁹ On the basis of the recommendations of the Secretary-General that an integrated office be established in Sierra Leone following the withdrawal of UNAMSIL in order to continue to assist the Government of Sierra Leone to consolidate peace by enhancing political and economic governance, building the national capacity for conflict prevention, and preparing for elections in 2007,³²⁰ the Council, by resolution 1620 (2005) of 31 August 2005, established the United Nations Integrated Office in Sierra Leone (UNIOSIL) for an initial period of 12 months, beginning on 1 January 2006, with the following key tasks: (a) to assist the Government of Sierra Leone in: (i) building the capacity of State institutions to address further the root causes of the conflict, provide basic services and accelerate progress towards the Millennium Development Goals through poverty reduction and sustainable economic growth, including through the creation of an enabling framework for private investment and systematic efforts to address HIV/AIDS; (ii) developing a national action plan for human rights and establishing the national human rights commission; (iii) building the capacity of the National Electoral Commission to conduct a free, fair and credible electoral process in 2007; (iv) enhancing good governance, transparency and accountability of public institutions; (v) strengthening the rule of law, including by developing the independence and capacity of the justice system and the capacity of the police and corrections system; (vi) strengthening the Sierra Leonean security sector, in cooperation with the International Military Advisory and Training Team and other partners; (vii) promoting a culture of peace, dialogue and participation in critical national issues through a strategic approach to public information and communication; and (viii) developing initiatives for the protection and well-being of youth, women and children; (b) to liaise with the Sierra Leonean security sector and other partners, to report on the security situation and to make recommendations concerning external and internal security threats; (c) to coordinate

³¹⁹ S/2005/419, annex.

³²⁰ S/2005/273 and Add.2.

with United Nations missions and offices and regional organizations in West Africa in dealing with cross-border challenges such as the illicit movement of small arms, human trafficking and smuggling and illegal trade in natural resources; and (d) to coordinate with the Special Court for Sierra Leone.³²¹

By that resolution, the Council also decided that UNIOSIL would be headed by an Executive Representative of the Secretary-General, who would also serve as the Resident Representative of UNDP and United Nations Resident Coordinator.³²² UNIOSIL comprised a small office to support the Executive Representative and five sections focusing on the key areas of its mandate, namely, good governance and peace consolidation, human rights and rule of law, civilian police and military assistance, development, and public information. The five sections comprised 46 officers, including 20 police advisers and 10 military liaison officers, in addition to the United Nations country team, the Office of the Resident and Humanitarian Coordinator, and additional national officers, United Nations Volunteers and other support staff.³²³

Mandate implementation

During the period under review, on the basis of the reports of the Secretary-General,³²⁴ and the requests of the Government of Sierra Leone,³²⁵ the mandate of UNIOSIL as outlined in resolution 1620 (2005) was extended twice by resolutions for periods of 12 months and 9 months, respectively, the last until 30 September 2008.³²⁶

By resolution 1734 (2006) of 22 December 2006, the Council endorsed an increase of the strength of the Military Liaison Team by 5 additional officers and that of the Police Section by 10 additional police officers for the period from 1 January to 31 October 2007 in order to enhance the support provided by the Office for the elections and its ability to carry out its functions

elsewhere in Sierra Leone,³²⁷ as recommended by the Secretary-General.³²⁸ Subsequently, by an exchange of letters between the Secretary-General and the President of the Council, the Council approved a request for UNIOSIL to retain those additional officers for a further period of two months, until 31 December 2007, to enable the Office to continue to provide effective technical and operational planning support to the security sector of Sierra Leone.³²⁹

By resolution 1793 (2007) of 21 December 2007, the Council requested the Secretary-General to submit by 31 January 2008, and for consideration by the Council, a completion strategy for UNIOSIL, including at least a 20 per cent reduction in staff numbers by 31 March 2008; a continued mission at 80 per cent of the current strength until 30 June 2008; and the termination of the mandate of the Office by 30 September 2008. The Council also expressed its intention that, on the expiration of its mandate, UNIOSIL should be replaced by a United Nations integrated political office to focus on carrying forward the peacebuilding process, mobilizing international donor support, supporting the work of the Peacebuilding Commission and the Peacebuilding Fund and completing any residual tasks left over from the mandate of the Office, in particular promoting national reconciliation and supporting the constitutional reform process.³³⁰

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

At the beginning of 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 contact with the parties in the ceasefire agreement; liaise with Joint Military Commission; monitor the implementation of the Lusaka Ceasefire Agreement; and provide humanitarian assistance and public information. MONUC was authorized under Chapter VII of the Charter to take the necessary action to protect United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment, ensure the security and freedom of movement of its

³²¹ Resolution 1620 (2005), third preambular paragraph and para. 1.

³²² *Ibid.*, para. 4.

³²³ See S/2005/273/Add.2, paras. 9-13, and S/2006/269, paras. 2-8.

³²⁴ S/2006/922 and S/2007/704.

³²⁵ See resolution 1734 (2006), fourth preambular paragraph, and S/2007/659, annex.

³²⁶ Resolutions 1734 (2006), para. 1, and 1793 (2007), para. 1.

³²⁷ Resolution 1734 (2006), para. 2.

³²⁸ S/2006/922, para. 70.

³²⁹ S/2007/613 and S/2007/614.

³³⁰ Resolution 1793 (2007), paras. 2 and 4.

personnel, and protect civilians under imminent threat of physical violence.

Mandate implementation

During the period under review, the Council continuously extended the mandate of MONUC, generally on the basis of the recommendations of the Secretary-General,³³¹ by a series of resolutions, for periods of varying lengths, the last until 31 December 2008.³³²

By resolution 1533 (2004) of 12 March 2004, the Council, acting under Chapter VII of the Charter, authorized MONUC to seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violated the measures imposed by paragraph 20 of resolution 1493 (2003), and to dispose of such arms and related materiel as appropriate.³³³ The Council also requested MONUC to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution 1493 (2003), and in particular to inspect, without notice as it deemed it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri.³³⁴

By resolution 1565 (2004) of 1 October 2004, adopted under Chapter VII of the Charter, in response to the request of the Secretary-General to deploy emergency reinforcements to MONUC to provide it with the necessary capability to address immediate

security concerns,³³⁵ the Council requested the Secretary-General to arrange the rapid deployment of additional military capabilities for MONUC and to deploy as soon as possible in the provinces of North and South Kivu all the brigades and appropriate force enablers. In addition, on the basis of the recommendation by the Secretary-General,³³⁶ the Council also authorized an increase of the strength of MONUC by 5,900 personnel, including up to 341 civilian police personnel, as well as the deployment of appropriate civilian personnel, air mobility assets and other force enablers.³³⁷

By the same resolution, the Council decided that MONUC would have the following mandate: (a) to deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow United Nations personnel to operate freely, particularly in the eastern part of the Democratic Republic of the Congo; (b) to ensure the protection of civilians, including humanitarian personnel under imminent threat of physical violence; (c) to ensure the protection of United Nations personnel, facilities, installations and equipment; (d) to ensure the security and freedom of movement of its personnel; (e) to establish the necessary operational links with ONUB and with the Governments of the Democratic Republic of the Congo and Burundi, in order to coordinate efforts towards monitoring and discouraging cross-border movements of combatants between the two countries; (f) to monitor the implementation of the measures imposed by paragraph 20 of resolution 1493 (2003), including on the lakes; (g) to seize or collect, as appropriate, arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violated the measures imposed by paragraph 20 of resolution 1493 (2003) and to dispose them as appropriate; and (h) to observe and report in a timely manner, on the position of armed movements and groups, and the presence of foreign military forces in the key areas of volatility.³³⁸ In addition, the Mission was given the following mandate, in support of the Government of National Unity and Transition: (a) to

³³¹ S/2004/650, S/2004/715, S/2005/167, S/2005/603, S/2006/759, S/2007/17, S/2007/156 and S/2007/671.

³³² Resolutions 1555 (2004), para. 1; 1565 (2004), para. 1; 1592 (2005), para. 1; 1628 (2005), para. 1; 1635 (2005), para. 1; 1711 (2006), para. 1; 1742 (2007), para. 1; 1751 (2007), para. 1; 1756 (2007), para. 1; and 1794 (2007), para. 1.

³³³ Resolution 1533 (2004), para. 4.

³³⁴ *Ibid.*, para. 3. By paragraph 19 of resolution 1493 (2003), the Council demanded that all parties provide full access to military observers from MONUC, including in ports, airports, airfields, military bases and border crossings, and requested the Secretary-General to deploy military observers from the Mission in North and South Kivu and in Ituri and to report to the Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in that region.

³³⁵ See S/2004/715.

³³⁶ S/2004/650.

³³⁷ Resolution 1565 (2004), paras. 2-3.

³³⁸ *Ibid.*, para. 4.

contribute to arrangements made for the security of the institutions and the protection of officials of the transition in Kinshasa until the integrated police unit in Kinshasa was ready to take on that responsibility, and to assist the Congolese authorities in the maintenance of order in other strategic areas; (b) to contribute to the improvement of the security conditions in which humanitarian assistance was provided, and to assist in the voluntary return of refugees and internally displaced persons; (c) to support operations to disarm foreign combatants led by the armed forces of the Democratic Republic of the Congo; (d) to facilitate the demobilization and voluntary repatriation of disarmed foreign combatants and their dependants; (e) to contribute to the disarmament portion of the national programme of disarmament, demobilization and reintegration of Congolese combatants and their dependants, in monitoring the process and providing, as appropriate, security in some sensitive locations; (f) to contribute to the successful completion of the electoral process stipulated in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, by assisting in the establishment of a secure environment for free, transparent and peaceful elections to take place; and (g) to assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, to investigate human rights violations to put an end to impunity, and to continue to cooperate with efforts to ensure that those responsible for serious violations of human rights and international humanitarian law were brought to justice.³³⁹ MONUC was authorized under Chapter VII of the Charter to use all necessary means, within its capacity and in the areas where its armed units were deployed, to carry out the tasks as listed above.³⁴⁰

By resolution 1565 (2004), the Council, finally, decided that the Mission would also have the mandate, within its capacity and without prejudice to carrying out the tasks above, to provide advice and assistance to the Transitional Government and authorities, in accordance with the commitments of the Global and All-Inclusive Agreement, including by supporting the three joint commissions³⁴¹ in order to contribute to their efforts, with a view to taking forward (a) essential

legislation, including the future constitution; (b) security sector reform, including the integration of national defence and internal security forces together with disarmament, demobilization and reintegration and, in particular, the training and monitoring of the police, while ensuring that they were democratic and fully respected human rights and fundamental freedoms; and (c) the electoral process.³⁴²

By resolution 1592 (2005) of 30 March 2005, adopted under Chapter VII of the Charter, the Council, emphasizing that MONUC was authorized to use all necessary means, within its capabilities and in the areas where its armed units were deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-Forces armées rwandaises and Interahamwe, encouraged MONUC in this regard to continue to make full use of its mandate in the eastern part of the Democratic Republic of the Congo, and stressed that, in accordance with its mandate under resolution 1565 (2004), MONUC might use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continued to use violence in those areas.³⁴³

By resolution 1596 (2005) of 18 April 2005, adopted under Chapter VII of the Charter, by which, *inter alia*, it extended the scope of the arms embargo to the entire territory of the Democratic Republic of the Congo, the Council requested MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, to focus its monitoring activities in North and South Kivu and in Ituri; and, in airports and airfields where it had a permanent presence, to cooperate within its existing capability with the competent Congolese authorities, with a view to enhancing the capability of those authorities to monitor and control the use of airports.³⁴⁴ The Council also requested MONUC and ONUB, in accordance with their respective mandates, to provide assistance, where they had a permanent presence, to the competent Customs authorities of the Democratic Republic of the Congo and Burundi.³⁴⁵

³³⁹ *Ibid.*, para. 5.

³⁴⁰ *Ibid.*, para. 6.

³⁴¹ For more information on the three joint commissions, see S/2004/650, para. 62.

³⁴² Resolution 1565 (2004), para. 7.

³⁴³ Resolution 1592 (2005), para. 7.

³⁴⁴ Resolution 1596 (2005), paras. 3 and 8.

³⁴⁵ *Ibid.*, para. 10.

Following the massacre on 9 July 2005 in Ntulu-Mamba, in a statement by the President on 13 July 2005, the Council, in calling upon the authorities of the Democratic Republic of the Congo to prosecute and bring to justice expeditiously the perpetrators and those responsible for these crimes, requested MONUC to provide all necessary support.³⁴⁶

On 6 September 2005, by resolution 1621 (2005) adopted under Chapter VII of the Charter, the Council, underlining the importance of elections, authorized a temporary increase until 1 July 2006 in the strength of MONUC of 841 personnel, including up to five formed police units of 125 officers each and additional police personnel, and approved the concept of operations as recommended by the Secretary-General,³⁴⁷ which included the co-location of MONUC senior police officers at general and provincial inspector level to advise on operations planning and management; capacity-building of the police from the bottom up; training and briefing programmes; and immediate support for the development of crowd-management capacity of the national police which would address the immediate needs related to enhancing the role of national police in the electoral process while contributing to its long-term institutional and capacity development. The Council also authorized MONUC to provide additional support to the Independent Electoral Commission for the transport of electoral materials and approved the recommendation of the Secretary-General³⁴⁸ on additional logistic support for elections.³⁴⁹ By resolution 1635 (2005) of 28 October 2005, adopted under Chapter VII of the Charter, the Council, on the basis of the recommendation of the Secretary-General,³⁵⁰ further authorized a temporary increase of 300 personnel in the military strength of MONUC, until 1 July 2006, to allow for the deployment of an infantry battalion in Katanga, with enabling assets, including its own air mobility and appropriate medical support, to provide additional security within its area of operations during the electoral period.³⁵¹ The increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2005) and 1635 (2005) continued to

be extended by subsequent resolutions renewing the mandate of MONUC.³⁵²

Responding to the request of the Secretary-General,³⁵³ the Council, by resolution 1669 (2006) of 10 April 2006, adopted under Chapter VII of the Charter, authorized the temporary redeployment of a maximum of one infantry battalion, a military hospital and up to 50 military observers from ONUB to MONUC, until 1 July 2006, in accordance with resolution 1650 (2005).³⁵⁴ Following the extension of this temporary redeployment by resolution 1711 (2006),³⁵⁵ and taking note of the letter from the Secretary-General dated 15 November 2006,³⁵⁶ the Council, by resolution 1736 (2006) of 22 December 2006, adopted under Chapter VII of the Charter, authorized an increase in the military strength of MONUC of up to 916 military personnel to allow for the continued deployment to MONUC of the infantry battalion and the military hospital previously authorized under the ONUB mandate.³⁵⁷

By resolution 1671 (2006) of 25 April 2006, the Council authorized MONUC to provide all necessary logistical support to an European Union force on a cost reimbursement basis, whose deployment was authorized under Chapter VII of the Charter by that resolution to support MONUC during the period encompassing the election in the Democratic Republic of the Congo.³⁵⁸

Following the successful conduct of the 2006 elections and the installation of the new Government in the Democratic Republic of the Congo, the Secretary-General made proposals in his report of 20 March 2007 for the post-transition mandate of MONUC.³⁵⁹ By resolution 1756 (2007) of 15 May 2007, adopted under Chapter VII of the Charter, the Council took note of the

³⁴⁶ S/PRST/2005/31.

³⁴⁷ S/2005/320, paras. 50-57.

³⁴⁸ *Ibid.*, paras. 58-59.

³⁴⁹ Resolution 1621 (2005), paras. 1-3.

³⁵⁰ S/2005/603, paras. 27-29.

³⁵¹ Resolution 1635 (2005), paras. 2-3.

³⁵² Resolutions 1693 (2006), para. 1; 1711 (2006), para. 2; 1742 (2007), para. 1; 1751 (2007), para. 1; 1756 (2007), para. 1; and 1794 (2007), para. 1.

³⁵³ See S/2006/206.

³⁵⁴ Resolution 1669 (2006), para. 1. See also the section on ONUB in the present chapter.

³⁵⁵ Resolution 1711 (2006), para. 2. See also the section on ONUB in the present chapter.

³⁵⁶ S/2006/892.

³⁵⁷ Resolution 1736 (2006), para. 1.

³⁵⁸ Resolution 1671 (2006), paras. 2 and 14. For more details on the European Union force, see chap. XII, part III, sect. C, under the situation concerning the Democratic Republic of the Congo.

³⁵⁹ S/2007/156, paras. 43-71 and 87.

Secretary-General's recommendations in his report, and authorized the continuation of up to 17,030 military personnel, 760 military observers, 391 police trainers and 750 personnel of formed police units.³⁶⁰ The Council also decided that MONUC would assist the Government of the Democratic Republic of the Congo in establishing a stable security environment and MONUC would have the following broad mandates, with a series of specific tasks:³⁶¹ (a) protection of civilians, humanitarian personnel and United Nations personnel and facilities;³⁶² (b) territorial security of the Democratic Republic of the Congo;³⁶³ (c) disarmament and demobilization of foreign and Congolese armed groups;³⁶⁴ and (d)

security sector reform.³⁶⁵ By the same resolution,³⁶⁶ the Council further decided that MONUC would have the mandate to support the strengthening of democratic institutions and the rule of law in the Democratic Republic of the Congo.³⁶⁷ The Council authorized the Mission to use all necessary means, within the limits of its capacity and in the areas where its units were

³⁶⁰ Resolution 1756 (2007), para. 1.

³⁶¹ *Ibid.*, para. 2.

³⁶² The specific tasks were (i) to ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence; (ii) to contribute to the improvement of the security conditions in which humanitarian assistance was provided, and assist in the voluntary return of refugees and internally displaced persons; (iii) to ensure the protection of United Nations personnel, facilities, installations and equipment; (iv) to ensure the security and freedom of movement of United Nations and associated personnel; and (v) to carry out joint patrols with the riot-control units of the national police to improve security in the event of civil disturbance.

³⁶³ The specific tasks were (i) to observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes; (ii) to monitor the implementation of the relevant measures imposed by resolution 1493 (2003) and expanded by resolution 1596 (2005); (iii) to seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violated the relevant measures imposed by resolution 1493 (2003) and expanded by resolution 1596 (2005), and to dispose of such arms and related materiel as appropriate; (iv) to provide assistance to the competent Customs authorities of the Democratic Republic of the Congo in implementing the relevant provisions of resolution 1596 (2005); and (v) to assist the Government in enhancing its demining capacity.

³⁶⁴ The specific tasks were (i) to deter any attempt at the use of force to threaten the political process; (ii) to support operations led by the integrated brigades of the armed forces of the Democratic Republic of the Congo, deployed in the eastern part of the Democratic Republic of the Congo, with a view to disarming the recalcitrant local and foreign armed groups in order to ensure their participation in the disarmament, demobilization and

reintegration process and the release of children associated with those armed groups, as well as preventing the provision of support to them, including support derived from illicit economic activities; (iii) to facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants; and (iv) to contribute to the implementation of the national programme of disarmament, demobilization and reintegration of Congolese combatants and their dependants, by monitoring the disarmament process and providing security in some sensitive locations.

³⁶⁵ The specific tasks were (i) to provide, in the short term, basic training to various members and units of the integrated brigades of the armed forces of the Democratic Republic of the Congo deployed in the eastern part of the country with a view to enhancing their capacity to carry out the missions related to disarmament and demobilization; (ii) to continue to develop the capacities of the Congolese National Police and related law enforcement agencies by providing technical assistance, training and mentoring support; (iii) to advise the Government on strengthening the capacity of the judicial and correctional systems, including the military justice system; and (iv) to contribute to the efforts of the international community to assist the Government in the initial planning process of the reform of the security sector.

³⁶⁶ Resolution 1756 (2007), para. 3.

³⁶⁷ To that end, the specific tasks were (i) to provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels; (ii) to promote national reconciliation and internal political dialogue; (iii) to assist in the promotion and protection of human rights, investigate human rights violations, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law; and (iv) to provide preliminary assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections; (v) to assist in the establishment of a secure and peaceful environment for the holding of free and transparent elections; and (vi) to contribute to the promotion of good governance and respect for the principle of accountability.

deployed, to carry out the specific tasks listed in the resolution.³⁶⁸

Taking note of the Secretary-General's report of 14 November 2007 which provided broad benchmarks and recommendations regarding future direction of MONUC,³⁶⁹ by resolution 1794 (2007) of 21 December 2007, adopted under Chapter VII of the Charter to extend the mandate and capacity of MONUC, the Council requested MONUC to attach the highest priority to addressing the crisis in the Kivus in all its dimensions, in particular through the protection of civilians and support for the implementation of the Nairobi joint communiqué. It also requested MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to undertake a thorough review of its efforts to prevent and respond to sexual violence, and to pursue a comprehensive mission-wide strategy to strengthen prevention, protection, and response to sexual violence.³⁷⁰

10. United Nations Peacebuilding Support Office in the Central African Republic

At the beginning of the period under review, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), established on 15 February 2000, continued to encourage national dialogue and reconciliation and to help the Central African Republic enact military reforms, implement human rights policies, train civilian police, and disarm, demobilize and reintegrate ex-combatants.

Mandate implementation

During the period under review, by exchanges of letters between the Secretary-General and the President of the Security Council,³⁷¹ or through a statement by the President,³⁷² the Council extended the mandate of BONUCA four times for periods of one year, the last until 31 December 2008.

In a statement by the President of 28 October 2004, the Council expressed its concern at the possible

consequences to the Central African Republic of the crises in the subregion and, accordingly, welcomed with satisfaction the Secretary-General's initiative in asking BONUCA to assess the implications of developments in neighbouring countries on the situation in the Central African Republic and vice versa.³⁷³ In view of those additional subregional responsibilities, and the encouraging developments on the ground, by an exchange of letters between the Secretary-General and the President of the Council, the rank of the Secretary-General's Representative in the Central African Republic was raised to that of Special Representative, at the Assistant Secretary-General level.³⁷⁴

In a statement by the President of 22 November 2006, by which the Council renewed the mandate of BONUCA for one year, the Secretary-General was invited to submit the new modalities of the mission of the Office for the new period.³⁷⁵ In a letter dated 30 November 2006, the Secretary-General indicated that the activities of BONUCA in 2007 would focus principally on (a) supporting national reconciliation and dialogue, (b) assisting efforts to strengthen democratic institutions, (c) facilitating the mobilization of resources for national reconstruction, economic recovery, poverty alleviation and good governance, (d) mainstreaming a gender perspective into peacebuilding, in line with resolution 1325 (2000), and (e) reinforcing cooperation between the United Nations and States members of the Central African Economic and Monetary Community and other regional entities with a view to facilitating and strengthening initiatives aimed at addressing transborder insecurity in the subregion.³⁷⁶

By an exchange of letters between the Secretary-General and the President of the Council, it was decided that, on the basis of the requests of the Government of the Central African Republic, BONUCA for the year 2008 would (a) promote national reconciliation efforts, particularly by assisting the national stakeholders to organize an inclusive political dialogue; (b) promote the respect for human rights and democratic norms; (c) support the rule of law and accountable and transparent governance; (d) facilitate the mobilization of resources for national

³⁶⁸ See resolution 1756 (2007), para. 2 (a) to (e), (g), (h), (k), (l) and (n), and para. 3 (e).

³⁶⁹ S/2007/671.

³⁷⁰ Resolution 1794 (2007), paras. 2, 12 and 18.

³⁷¹ S/2004/874 and S/2004/875; S/2005/758 and S/2005/759; S/2007/702 and S/2007/703.

³⁷² S/PRST/2006/47, para. 7.

³⁷³ S/PRST/2004/39, para. 9.

³⁷⁴ S/2005/758 and S/2005/759.

³⁷⁵ S/PRST/2006/47, para. 7.

³⁷⁶ S/2006/934.

reconstruction and development; (e) reinforce cooperation between the United Nations and regional entities with a view to strengthening initiatives aimed at addressing transborder insecurity in the subregion; (f) assist the United Nations multidimensional mission in Chad and the Central African Republic in the fulfilment of its mandate in the territory of the Central Africa Republic; and (g) mainstream a gender perspective into peacebuilding, in line with resolution 1325 (2000).³⁷⁷

11. United Nations Mission in Ethiopia and Eritrea

At the beginning of the period under review, the United Nations Mission in Ethiopia and Eritrea (UNMEE), established pursuant to resolution 1312 (2000), continued to perform its mandate towards monitoring the cessation of hostilities, the position of troops and the Temporary Security Zone, Chair the Military Coordination Commission provided for in the Agreement on Cessation of Hostilities of 18 June 2000;³⁷⁸ coordinate humanitarian assistance in the Temporary Security Zone and adjacent areas and assist the Eritrea-Ethiopia Boundary Commission³⁷⁹ in the expeditious and orderly implementation of its delimitation decision.

Mandate implementation

The Council, generally on the basis of the reports of the Secretary-General,³⁸⁰ extended the mandate of UNMEE for periods of up to six months, the last until 31 January 2008.³⁸¹

In his report of 2 September 2004, the Secretary-General, in accordance with resolution 1531 (2004) of 12 March 2004, recommended an adjustment of the

Mission's presence in two phases: first, replacing one military demining contingent with a modest commercial capacity, and reducing the force headquarters staff of UNMEE by up to 30 per cent. In the second phase, by repatriating one infantry battalion and support elements to consolidate the existing three sectors into two sectors, the military structure would comprise a force headquarters, two infantry battalions, two demining units, other existing support elements and up to 220 military observers, which would be accompanied by commensurate reductions in the number of civilian staff.³⁸² By resolution 1560 (2004) of 14 September 2004, the Council approved the adjustments to UNMEE as recommended by the Secretary-General.³⁸³

By resolution 1622 (2005) of 13 September 2005, the Council approved a reconfiguration of the military component of UNMEE, including an increase in the number of military observers by 10, to a total of 230, within the existing overall mandate strength of 3,404 military personnel as recommended in the Secretary-General's report of 30 August 2005.³⁸⁴ The Council also approved an expansion of the mandate regarding assistance to the parties in the mine action sector so that UNMEE could assist the parties in continuing cooperation with other international partners in that sector, by providing humanitarian demining assistance in and around the Temporary Security Zone, technical advice and coordination.³⁸⁵

Having considered the reports of the Secretary-General of 3 January 2006 and 6 March 2006³⁸⁶ and the options for the future of UNMEE contained therein, by resolution 1681 (2006) of 31 May 2006, the Council authorized the reconfiguration of the UNMEE military component and approved the deployment within UNMEE of up to 2,300 troops, including up to 230 military observers, with the mandate pursuant to resolutions 1320 (2000) and 1430 (2002).³⁸⁷

On 15 December 2007, the Secretary-General, in his special report,³⁸⁸ proposed four options for possible changes to the mandate of UNMEE, as requested in resolution 1710 (2006).

³⁷⁷ S/2007/702 and S/2007/703.

³⁷⁸ S/2000/601.

³⁷⁹ The Eritrea-Ethiopia Boundary Commission was established pursuant to the Agreement of 12 December 2000 between Eritrea and Ethiopia (S/2000/1183) with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law.

³⁸⁰ S/2004/180, S/2004/708, S/2005/142, S/2005/553, S/2006/1, S/2006/140, S/2006/749, S/2006/992, S/2007/33 and S/2007/440.

³⁸¹ Resolutions 1531 (2004), para. 1; 1560 (2004), para. 1; 1586 (2005), para. 1; 1622 (2005), para. 1; 1661 (2006), para. 1; 1670 (2006), para. 1; 1678 (2006), para. 1; 1681 (2006), para. 1; 1710 (2006), para. 1; 1741 (2007), para. 1; and 1767 (2007), para. 1.

³⁸² S/2004/708, paras. 13-18.

³⁸³ Resolution 1560 (2004), para. 2.

³⁸⁴ S/2005/553, paras. 11 and 42.

³⁸⁵ Resolution 1622 (2005), para. 2.

³⁸⁶ S/2006/1 and S/2006/140, respectively.

³⁸⁷ Resolution 1681 (2006), para. 2.

³⁸⁸ S/2006/992.

By resolution 1741 (2007) of 30 January 2007, the Council approved a reduction of the military component of UNMEE from 2,300 to 1,700 military personnel, including 230 military observers, in accordance with the first option in the above-mentioned Secretary-General's report,³⁸⁹ while deciding to maintain the mandate and maximum authorized force levels.³⁹⁰

12. United Nations Mission in Liberia

At the beginning of the period under review, the United Nations Mission in Liberia (UNMIL), established pursuant to resolution 1509 (2003), continued to (a) support the implementation of the Ceasefire Agreement;³⁹¹ (b) protect United Nations staff, facilities and civilians; (c) facilitate support for humanitarian and human rights assistance; (d) provide support for security reform, including national police training and the formation of a new, restructured military; and (e) support the implementation of the peace process.

Mandate implementation

During the period under review, by a series of resolutions,³⁹² the Council successively extended the mandate of UNMIL on the basis of the Secretary-General's recommendations,³⁹³ for periods of up to one year, the last until 30 September 2008.

By resolution 1609 (2005) of 24 June 2005, adopted under Chapter VII of the Charter, the Council, having taken note of the Secretary-General's report of 2 March 2005 on inter-mission cooperation and possible cross-border operations between the United Nations Mission in Sierra Leone (UNAMSIL), UNMIL and the United Nations Operation in Côte d'Ivoire (UNOCI),³⁹⁴ authorized the temporary redeployment of military and civilian police personnel among those three missions to

deal with challenges which could not be handled within the authorized personnel ceiling of a given mission.³⁹⁵

By resolution 1626 (2006) of 19 September 2005, adopted under Chapter VII of the Charter, noting that UNAMSIL was scheduled to end its operations on 31 December 2005, the Council authorized UNMIL to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone, as recommended in the report of the Secretary-General of 1 September 2005.³⁹⁶ It also authorized a temporary increase in the personnel ceiling of the Mission, to a total of 15,250 United Nations military personnel, for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court did not reduce the capabilities of the Mission in Liberia during its political transition period. Finally, it also authorized UNMIL to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate military personnel of UNMIL deployed to Sierra Leone and officials of the Court in the event of a serious security crisis affecting those personnel and the Court.³⁹⁷ This temporary increase was extended until 30 September 2006.³⁹⁸

On 11 November 2005, the Council, by resolution 1638 (2005), acting under Chapter VII of the Charter, decided that the mandate of UNMIL should include the following additional element: to apprehend and detain former President Charles Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone and to keep the Government of Liberia, the Government of Sierra Leone and the Council fully informed.³⁹⁹

In response to the request by the Secretary-General pursuant to resolution 1609 (2006),⁴⁰⁰ the Council, by resolution 1657 (2006) of 6 February 2006, adopted under Chapter VII of the Charter, authorized the redeployment of a maximum of one infantry company from UNMIL to UNOCI, until 31 March

³⁸⁹ Ibid., paras. 24 and 25.

³⁹⁰ Resolution 1741 (2007), para. 2.

³⁹¹ S/2003/657, annex.

³⁹² Resolutions 1561 (2004), para. 1; 1626 (2005), para. 1; 1667 (2006), para. 1; 1712 (2006), para. 1; 1750 (2007), para. 1; and 1777 (2007), para. 1.

³⁹³ S/2004/725, S/2005/560, S/2006/159, S/2006/743, S/2007/151 and S/2007/479.

³⁹⁴ S/2005/135.

³⁹⁵ Resolution 1609 (2005), fifth preambular paragraph and paras. 5 and 6. See also the sections on the United Nations Mission in Sierra Leone and the United Nations Operation in Côte d'Ivoire in the present chapter.

³⁹⁶ S/2005/560, paras. 90-94.

³⁹⁷ Resolution 1626 (2005), paras. 5-7.

³⁹⁸ Resolution 1667 (2006), para. 2.

³⁹⁹ Resolution 1638 (2005), para. 1.

⁴⁰⁰ See S/2006/71.

2006, in order to provide extra security coverage for United Nations personnel and property, and to perform other tasks mandated to UNOCI, without prejudice to any future decision by the Security Council concerning the renewal of the mandate and level of troops of UNMIL and a further extension of the redeployment.⁴⁰¹

In modifying the arms embargo on Liberia imposed by resolution 1521 (2003) to incorporate additional exemptions to the Liberian Special Security Service and for members of the Liberian police and security forces who had been vetted and trained since the inception of UNMIL in October 2003, by resolution 1683 (2006) of 13 June 2006, adopted under Chapter VII of the Charter, the Council requested UNMIL to inspect inventories of weapons and ammunition obtained in accordance with the exemptions to ensure all such weapons and ammunition were accounted for, and to make periodic reports to the Committee established by paragraph 21 of resolution 1521 (2003) on its findings.⁴⁰²

In his report of 14 March 2006,⁴⁰³ the Secretary-General recommended, *inter alia*, changes to the configuration of UNMIL, in view of the completion by the Mission of a number of tasks and in the context of a review of the appropriate mandates for the composition of the Mission. In his report of 9 June 2006,⁴⁰⁴ he reiterated his recommendation for the addition of a formed police unit. By resolution 1694 (2006) of 13 July 2006, adopted under Chapter VII of the Charter, the Council decided to increase the authorized size of the civilian police component of UNMIL by 125 and to decrease the authorized size of the military component by 125, from the authorized levels.⁴⁰⁵

By resolution 1750 (2007) of 30 March 2007, adopted under Chapter VII of the Charter, the Council noted the intention of the Special Court for Sierra Leone to reach agreement with the Government of Liberia on carrying out a programme of activities in Liberia, and decided that the mandate of UNMIL should include the following additional element: to

provide, within its capabilities and areas of deployment and without prejudice to the performance of its other mandated tasks, administrative and related support and security, on a cost-reimbursable basis, for activities conducted in Liberia by the Special Court for Sierra Leone with the consent of the Government of Liberia.⁴⁰⁶

Following the consideration of the benchmarks proposed by the Secretary-General⁴⁰⁷ pursuant to resolution 1667 (2006), the Council, by resolution 1712 (2006) of 29 September 2006, adopted under Chapter VII of the Charter, endorsed the recommendations of the Secretary-General in his report of 12 September 2006,⁴⁰⁸ for a phased, gradual consolidation, drawdown and withdrawal of the UNMIL troop contingent, as the situation permitted and without compromising the security of Liberia.⁴⁰⁹ On the basis of the Secretary-General's report of 8 August 2007,⁴¹⁰ which provided a detailed drawdown plan, including benchmarks, as requested in resolution 1750 (2007), the Council by resolution 1777 (2007) of 20 September 2007, adopted under Chapter VII of the Charter, endorsed the Secretary-General's recommendation⁴¹¹ for a reduction of 2,450 in the number of personnel deployed as part of the UNMIL military component during the period from October 2007 to September 2008 and for a reduction of 498 in the number of officers deployed as part of the police component of the Mission during the period from April 2008 to December 2010.⁴¹²

13. United Nations Mission in Côte d'Ivoire

At the beginning of the period under review, the United Nations Mission in Côte d'Ivoire (MINUCI), established pursuant to resolution 1479 (2003), as a political mission continued to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement.⁴¹³

Termination/transition to a new mission

⁴⁰¹ Resolution 1657 (2006), para. 1. For more information, see the section on the United Nations Operation in Côte d'Ivoire in the present chapter.

⁴⁰² Resolution 1683 (2006), paras. 1, 2 and 4.

⁴⁰³ S/2006/159.

⁴⁰⁴ S/2006/376.

⁴⁰⁵ Resolution 1694 (2006), para. 1.

⁴⁰⁶ Resolution 1750 (2007), para. 5.

⁴⁰⁷ See S/2006/376 and S/2006/743.

⁴⁰⁸ S/2006/743.

⁴⁰⁹ Resolution 1712 (2006), para. 3.

⁴¹⁰ S/2007/479.

⁴¹¹ *Ibid.*, paras. 73 and 75.

⁴¹² Resolution 1777 (2007), paras. 3-4.

⁴¹³ S/2003/99, annex I.

Following the extension of the mandate of MINUCI until 27 February 2004 by resolution 1527 (2004),⁴¹⁴ the Council, by resolution 1528 (2004) of that date, decided, on the basis of the recommendations of the Secretary-General,⁴¹⁵ and the message of 10 November 2003 from the President of Côte d'Ivoire,⁴¹⁶ to continue the mandate of MINUCI for a final period until 4 April 2004, while establishing the United Nations Operation in Côte d'Ivoire as from that date. The Council requested the Secretary-General to transfer authority from MINUCI and the forces of ECOWAS to the United Nations Operation in Côte d'Ivoire on that date.⁴¹⁷

14. United Nations Operation in Côte d'Ivoire

Establishment, mandate and composition

The Council, by resolution 1528 (2004) of 27 February 2004, acting under Chapter VII of the Charter, decided to establish the United Nations Operation in Côte d'Ivoire (UNOCI), on the basis of the request of the President of Côte d'Ivoire and the recommendations of the Secretary-General.⁴¹⁸ The Council established UNOCI for an initial period of 12 months from 4 April 2004.⁴¹⁹

As set out in resolution 1528 (2004), the mandate of UNOCI,⁴²⁰ in coordination with the French forces authorized by the same resolution,⁴²¹ consisted of the following areas, namely (a) monitoring of the ceasefire and movements of armed groups;⁴²² (b) disarmament, demobilization, reintegration, repatriation and

resettlement;⁴²³ (c) protection of United Nations personnel, institutions and civilians;⁴²⁴ (d) support for humanitarian assistance;⁴²⁵ (e) support for the implementation of the peace process;⁴²⁶ (f) assistance in the field of human rights;⁴²⁷ (g) public information;⁴²⁸ and (h) law and order.⁴²⁹ UNOCI was

⁴²³ The specific tasks were (i) to assist the Government of National Reconciliation in undertaking the regrouping of all the Ivorian forces involved and to ensure the security of their cantonment sites; (ii) to help the Government of National Reconciliation to implement the national programme for the disarmament, demobilization and reintegration of the combatants; (iii) to coordinate closely with the United Nations missions in Sierra Leone and in Liberia in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants; (iv) to ensure that the programmes mentioned in subparagraphs (ii) and (iii) above take into account the need for a regional approach; and (v) to guard weapons, ammunition and other materiel handed over by the former combatants and to secure, neutralize or destroy such materiel.

⁴²⁴ The specific tasks were (i) to protect United Nations personnel, installations and equipment, provide the security and freedom of movement of United Nations personnel and, to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment; and (ii) to support the provision of security for the ministers of the Government of National Reconciliation.

⁴²⁵ The specific task was to facilitate the free flow of people, goods and humanitarian assistance, inter alia, by helping to establish the necessary security conditions.

⁴²⁶ The specific tasks were (i) to facilitate the re-establishment by the Government of National Reconciliation of the authority of the State throughout Côte d'Ivoire; and (ii) to provide oversight, guidance and technical assistance to the Government of National Reconciliation to prepare for and assist in the conduct of free, fair and transparent electoral processes linked to the implementation of the Linas-Marcoussis Agreement, in particular the presidential election.

⁴²⁷ The specific task was to contribute to the promotion and protection of human rights in Côte d'Ivoire and to help to investigate human rights violations with a view to helping to end impunity.

⁴²⁸ The specific task was to promote understanding of the peace process and the role of UNOCI among local communities and the parties through an effective public information capacity.

⁴²⁹ The specific tasks were (i) to assist the Government of National Reconciliation in restoring a civilian policing presence throughout Côte d'Ivoire, and to advise the Government of National Reconciliation on the restructuring of the internal security services; (ii) to

⁴¹⁴ Resolution 1527 (2004), para. 1.

⁴¹⁵ S/2004/3.

⁴¹⁶ S/2003/1081, annex.

⁴¹⁷ Resolution 1528 (2004), para. 1.

⁴¹⁸ S/2003/1081, annex, and S/2004/3, respectively.

⁴¹⁹ Resolution 1528 (2004), para. 1.

⁴²⁰ *Ibid.*, para. 6.

⁴²¹ *Ibid.*, para. 16. For more information on the French forces, see chap. XI, part IV, sect. A.

⁴²² The specific tasks were (i) to observe and monitor the implementation of the comprehensive ceasefire agreement of 3 May 2003, and to investigate violations of the ceasefire; (ii) to liaise with the national armed forces of Côte d'Ivoire and the military elements of the Forces nouvelles in order to promote, in coordination with the French forces, the re-establishment of trust between all the Ivorian forces involved; and (iii) to assist the Government of National Reconciliation in monitoring the borders.

authorized to use all necessary means to carry out its mandate within its capability and its areas of deployment.⁴³⁰

By resolution 1528 (2004), the Council decided that UNOCI should comprise, in addition to the appropriate civilian, judiciary and corrections components, a military strength of a maximum of 6,240, including 200 military observers and 120 staff officers, and up to 350 civilian police officers. The Force Commander of UNOCI and the Special Representative of the Secretary-General and Head of UNOCI were appointed through exchanges of letters between the Secretary-General and the President of the Council.⁴³¹

Mandate implementation

During the period under review, the Council extended the mandate of UNOCI by a series of resolutions adopted under Chapter VII of the Charter,⁴³² in accordance with the recommendations of the Secretary-General,⁴³³ for periods of varying lengths, the last until 15 January 2008.

By resolution 1572 (2004) of 15 November 2004, adopted under Chapter VII of the Charter, the Council, in demanding that the Ivorian authorities stop all radio and television broadcasting inciting hatred, intolerance and violence, requested UNOCI to strengthen its monitoring role in this regard.⁴³⁴

By resolution 1584 (2005) of 1 February 2005, acting under Chapter VII of the Charter, the Council authorized UNOCI and the French forces which supported it (a) to monitor the implementation of the arms embargo imposed by resolution 1572 (2004), in cooperation with the group of experts established by the resolution, and, as appropriate, with UNMIL, UNAMSIL and Governments concerned, including by

assist the Government of National Reconciliation in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire.

⁴³⁰ Resolution 1528 (2004), para. 8.

⁴³¹ S/2004/267 and S/2004/268; S/2005/133 and S/2005/134.

⁴³² Resolutions 1594 (2005), para. 1; 1600 (2005), para. 5; 1603 (2005), para. 11; 1609 (2005), para. 1; 1652 (2006), para. 1; 1726 (2006), para. 1; 1739 (2007), para. 1; 1763 (2007), para. 1; and 1765 (2007), para. 1.

⁴³³ S/2005/186, S/2005/398 and Add.1, S/2005/135, S/2006/2, S/2006/939 and S/2007/275.

⁴³⁴ Resolution 1572 (2004), para. 6.

inspecting, without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire; and (b) to collect arms and any related materiel brought into Côte d'Ivoire in violation of the arms embargo, and to dispose of such arms and related materiel as appropriate.⁴³⁵

On 24 June 2005, the Council adopted resolution 1609 (2005) under Chapter VII of the Charter, deciding that UNOCI would have the following mandate:⁴³⁶ (a) monitoring of the cessation of hostilities and movements of armed groups;⁴³⁷ (b) disarmament, demobilization, reintegration, repatriation and resettlement or;⁴³⁸ (c) disarmament and dismantling of militias;⁴³⁹ (d) protection of United Nations personnel,

⁴³⁵ Resolution 1584 (2005), para. 2.

⁴³⁶ Resolution 1609 (2005), para. 2.

⁴³⁷ The specific tasks were (i) to observe and monitor the implementation of the joint declaration of the end of the war of 6 April 2005 and of the comprehensive ceasefire agreement of 3 May 2003, to prevent any hostile action, and to investigate violations of the ceasefire; (ii) to liaise with the national armed forces of Côte d'Ivoire and the military elements of the Forces nouvelles in order to promote, in coordination with the French forces, the re-establishment of trust among all the Ivorian forces involved; and (iii) to assist the Government of National Reconciliation in monitoring the borders.

⁴³⁸ The specific tasks were (i) to assist the Government of National Reconciliation in undertaking the regrouping of all the Ivorian forces involved and to assist in ensuring the security of their disarmament, cantonment and demobilization sites; (ii) to support the Government of National Reconciliation in the implementation of the national programme for the disarmament, demobilization and reintegration of combatants; (iii) to coordinate closely with the United Nations missions in Sierra Leone and in Liberia in the implementation of a voluntary repatriation and resettlement programme for foreign ex-combatants; (iv) to ensure that the programmes mentioned in subparagraphs (ii) and (iii) above took into account the need for a coordinated regional approach; (v) to secure, neutralize or destroy any weapons, ammunition or any other materiel surrendered by the former combatants.

⁴³⁹ The specific tasks were (i) to assist the Prime Minister of the Government of National Reconciliation in formulating and monitoring the implementation of the joint operation plan for the disarmament and dismantling of militias envisaged in paragraph 4 of the Pretoria Agreement (S/2005/270, annex I); (ii) to secure, neutralize or destroy all weapons, ammunition and other materiel surrendered by militias.

institutions and civilians;⁴⁴⁰ (e) monitoring of the arms embargo;⁴⁴¹ (f) support for humanitarian assistance;⁴⁴² (g) support for the redeployment of State administration;⁴⁴³ (h) support for the organization of open, free, fair and transparent elections;⁴⁴⁴ (i) assistance in the field of human rights;⁴⁴⁵ (j) public information;⁴⁴⁶ and (k) law and order.⁴⁴⁷ The Council

⁴⁴⁰ The specific tasks were (i) to protect United Nations personnel, installations and equipment, ensure the security and freedom of movement of United Nations personnel and to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment; and (ii) to support, in coordination with the Ivorian and South African authorities, the provision of security for members of the Government of National Reconciliation.

⁴⁴¹ The specific tasks were (i) to monitor the implementation of the arms embargo imposed by resolution 1572 (2004); and (ii) to collect arms and any related materiel brought into Côte d'Ivoire in violation of the arms embargo, and to dispose of such arms and related materiel as appropriate.

⁴⁴² The specific task was to facilitate the free flow of people, goods and humanitarian assistance.

⁴⁴³ The specific task was to facilitate the re-establishment by the Government of National Reconciliation of the authority of the State throughout Côte d'Ivoire.

⁴⁴⁴ The specific tasks were (i) to provide all necessary technical assistance to the Government of National Reconciliation, the Independent Electoral Commission and other relevant agencies or institutions for the organization of open, free, fair and transparent presidential and legislative elections within the time frames envisaged in the Constitution of the Republic of Côte d'Ivoire; (ii) to provide technical information, advice and assistance to the High Representative referred to in resolution 1603 (2005); and (iii) to contribute to the security of the areas where voting was to take place.

⁴⁴⁵ The specific tasks were to contribute to the promotion and protection of human rights in Côte d'Ivoire, to monitor and help to investigate human rights violations with a view to ending impunity, and to keep the Security Council Committee established pursuant to resolution 1572 (2004) regularly informed of developments in this regard.

⁴⁴⁶ The specific tasks were (i) to promote understanding of the peace process and the role of UNOCI among local communities and the parties, through the mission's public information capacity; and (ii) to monitor the Ivorian mass media, in particular with regard to any incidents of incitement by the media to hatred, intolerance and violence, and to keep the Committee established pursuant to resolution 1572 (2004) regularly informed of the situation in this regard.

authorized UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment.⁴⁴⁸ It also authorized an increase in the military component of UNOCI of up to 850 additional personnel, as well as an increase in the civilian police component of up to a ceiling of 725 civilian police personnel, including three formed police units, and the necessary additional civilian personnel until 24 January 2006.⁴⁴⁹ This increase was reauthorized by resolution 1739 (2007) until 30 June 2007.⁴⁵⁰

By resolution 1609 (2005), adopted under Chapter VII of the Charter, the Council also authorized the temporary redeployment of military and civilian police personnel among UNMIL, UNAMSIL and UNOCI to deal with challenges which could not be handled within the authorized personnel ceiling of a given mission, subject to the following conditions: (a) the Secretary-General should inform the Security Council in advance of his intention to proceed with such a redeployment, including its scope and duration, with the understanding that the implementation of the above-mentioned reinforcement would require a corresponding decision of the Council; (b) any forces redeployed should continue to be counted against the authorized ceiling on military and civilian personnel of the mission from which they were being transferred and should not count against the ceiling of the mission to which they were being transferred; (c) any such transfer should not result in any increase in the total combined ceilings on military and civilian personnel deployed in UNOCI, UNAMSIL and UNMIL determined by the Council in the respective mandates of the three missions; and (d) any such transfer should not have the effect of extending the deployment period of personnel deployed under the mandate of their original mission, unless the Council decided

⁴⁴⁷ The specific tasks were (i) to assist the Government of National Reconciliation in restoring a civilian policing presence throughout Côte d'Ivoire, to advise the Government on the restructuring of the internal security services, and to assist the Ivorian parties in the implementation of temporary and interim security measures in the northern part of the country; and (ii) to assist the Government in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire.

⁴⁴⁸ Resolution 1609 (2005), para. 8.

⁴⁴⁹ *Ibid.*, para. 3.

⁴⁵⁰ Resolution 1739 (2007), para. 3.

otherwise.⁴⁵¹ The Council also requested UNOCI to carry out its mandate in close liaison with UNAMSIL and UNMIL, including especially in the prevention of movements of arms and combatants across shared borders and the implementation of disarmament and demobilization programmes.⁴⁵²

In accordance with the Secretary-General's recommendation,⁴⁵³ the Council decided by resolution 1657 (2006), adopted under Chapter VII of the Charter, to authorize the redeployment of a maximum of one infantry company from UNMIL to UNOCI until 31 March 2006 in order to provide extra security coverage for United Nations personnel and property, and to perform other tasks mandated to UNOCI.⁴⁵⁴

On 2 June 2006, the Council further authorized, by resolution 1682 (2006), an increase in the strength of UNOCI up to 1,500 additional personnel, including a maximum of 1,025 military personnel and 475 civilian police personnel, taking note of the recommendations of the Secretary-General.⁴⁵⁵ This authorization was renewed by resolution 1739 (2007) until 30 June 2007.⁴⁵⁶

By resolution 1721 (2006) of 1 November 2006, adopted under Chapter VII of the Charter, the Council requested UNOCI, consistent with its mandate in resolution 1609 (2005) to protect United Nations personnel, to provide security to the High Representative for the Elections, within its capabilities and its areas of deployment.⁴⁵⁷

The Council revised the mandate of UNOCI by resolution 1739 (2007), adopted under Chapter VII of the Charter, adding the following two elements to the mandate set out in resolution 1609 (2005):⁴⁵⁸ (a) operations of identification of the population and

registration of voters;⁴⁵⁹ and (b) reform

⁴⁵⁹ The specific task was to contribute, in close liaison with the working group mentioned in paragraph 17 of resolution 1721 (2006), to the security of the operations of identification of the population and registration of voters, within its capabilities and its areas of deployment.

⁴⁵¹ Resolution 1609 (2005), para. 6.

⁴⁵² *Ibid.*, para. 9.

⁴⁵³ See S/2006/71.

⁴⁵⁴ Resolution 1657 (2006), para. 1. For more information see the section on the United Nations Mission in Liberia in the present chapter.

⁴⁵⁵ S/2006/2, S/2006/71, S/2006/184, S/2006/222 and S/2006/334.

⁴⁵⁶ Resolution 1739 (2007), para. 3.

⁴⁵⁷ Resolution 1721 (2006), para. 23.

⁴⁵⁸ Resolution 1739 (2007), para. 2. The other aspects of the mandate were updated to reflect the establishment of the new Government of Côte d'Ivoire, but were otherwise unchanged.

of the security sector;⁴⁶⁰ as well as adding an additional task relating to support for the organization of open, free, fair and transparent elections⁴⁶¹ and changing the tasks relating to law and order.⁴⁶² UNOCI was authorized to use all necessary means to carry out its mandate within its capabilities and its areas of deployment.⁴⁶³

By resolution 1765 (2007) of 16 July 2007, adopted under Chapter VII of the Charter, the Council, in renewing the mandate of UNOCI to support the organization of elections in Côte d'Ivoire, endorsed the recommendations by the Secretary-General,⁴⁶⁴ by which the role of UNOCI would be adapted to the new phase of the peace process in Côte d'Ivoire as set out in the Ouagadougou Political Agreement,⁴⁶⁵ and, accordingly, requested UNOCI, within its existing resources, to support the full implementation of the Ouagadougou Political Agreement, including by supporting the integrated command centre, the restoration of State administration throughout the country, the identification and voter registration processes, the electoral process, persons affected by the conflict, efforts to create a positive political environment, protection and promotion of human rights, and the economic recovery process of Côte d'Ivoire.⁴⁶⁶ The Council also requested UNOCI to

assist the Facilitator of the inter-Ivorian dialogue in the conduct of the facilitation.⁴⁶⁷

15. United Nations Advance Mission in the Sudan

Establishment, mandate and composition

To build on the momentum of the progress made in the peace process under the Intergovernmental Authority on Development between the Government of the Sudan and the Sudan People's Liberation Movement/Army, the Council, by resolution 1547 (2004) of 11 June 2004, welcomed the Secretary-General's proposal⁴⁶⁸ to establish a special political mission, the United Nations Advance Mission in the Sudan (UNAMIS), for an initial period of three months.⁴⁶⁹

Pursuant to resolution 1547 (2004), UNAMIS, dedicated to the preparation of the international monitoring foreseen in the Framework Agreement on Security Arrangements during the Interim Period, signed in Naivasha, Kenya, on 25 September 2003,⁴⁷⁰ was mandated to facilitate contacts with the parties concerned and to prepare for the introduction of an envisaged peace support operation following the signing of a comprehensive peace agreement.⁴⁷¹

As proposed by the Secretary-General and endorsed by the Council in resolution 1547 (2004), UNAMIS, at its establishment, under the authority of a Special Representative of the Secretary-General, included up to 25 military liaison officers, security staff and a strong mission support element comprising international personnel, including political and civil affairs staff, public information officers and experts in logistics and administration, as well as in other requisite areas of expertise.⁴⁷² Through an exchange of letters with the Secretary-General, the Council confirmed the appointment of a Special Representative of the Secretary-General for the Sudan and head of the peace support operation to be authorized by the Council at the conclusion of the comprehensive peace agreement.⁴⁷³

⁴⁶⁰ The specific task was to assist, in close liaison with the working group mentioned in paragraph 15 of resolution 1721 (2006), in formulating a plan on the restructuring of the defence and security forces and in preparing possible seminars on security sector reform to be organized by the African Union and the Economic Community of West African States.

⁴⁶¹ The additional task was to provide as necessary, within its capabilities and its areas of deployment, logistical support for the Independent Electoral Commission, in particular for the transportation of electoral material.

⁴⁶² In the area of law and order, UNOCI was mandated to perform the additional task of supporting the Government of Côte d'Ivoire in ensuring the neutrality and impartiality of public media by providing, as necessary, security for the premises of Radio Télévision Ivoirienne, while eliminating the task of assisting the Ivorian parties in the implementation of temporary and interim security measures in the northern part of the country, as provided in paragraph 6 of the Pretoria Agreement.

⁴⁶³ Resolution 1739 (2007), para. 5.

⁴⁶⁴ S/2007/275, paras. 42-72 and 75-83.

⁴⁶⁵ S/2007/144, annex.

⁴⁶⁶ Resolution 1765 (2007), paras. 1-2.

⁴⁶⁷ *Ibid.*, para. 10.

⁴⁶⁸ S/2004/453.

⁴⁶⁹ Resolution 1547 (2004), para. 1.

⁴⁷⁰ S/2003/934, annex.

⁴⁷¹ Resolution 1547 (2004), para. 1.

⁴⁷² *Ibid.*, para. 2; S/2004/453, para. 15; and S/2004/763, para. 4.

⁴⁷³ S/2004/503 and S/2004/504.

Mandate implementation

During the period under review, by a series of resolutions, the Council extended the mandate of UNAMIS four times, on the recommendations of the Secretary-General,⁴⁷⁴ for periods of up to three months, the last until 24 March 2005.⁴⁷⁵

The Council, by resolution 1556 (2004) of 30 July 2004, adopted under Chapter VII of the Charter, requested the Secretary-General to incorporate into the mission contingency planning for the Darfur region.⁴⁷⁶ By resolution 1574 (2004) of 19 November 2004, welcoming the preparatory work carried out by UNAMIS, the Council endorsed the proposals in the Secretary-General's reports of 28 September 2004 and 2 November 2004⁴⁷⁷ to increase the staffing of UNAMIS, including an additional six military officers and six police officers to provide extra liaison functions with the expanded African Union mission, as well as additional staff in various fields, including civil affairs, humanitarian relief, public information, disarmament, demobilization and reintegration and return and reintegration to facilitate progress towards a comprehensive agreement and prepare for the United Nations to provide rapid support in critical areas once the agreement was concluded.⁴⁷⁸

Termination/transition to a new mission

On 24 March 2005, by resolution 1590 (2005), by which it established the United Nations Mission in the Sudan, the Council requested that the Secretary-General transfer all functions performed by UNAMIS to the United Nations Mission in the Sudan, together with staff and logistics of the office as appropriate.⁴⁷⁹

⁴⁷⁴ S/2004/453, S/2004/763 and S/2004/881.

⁴⁷⁵ Resolutions 1556 (2004), para. 15, 1574 (2004), para. 7; 1585 (2005), para. 1; and 1588 (2005), para. 1.

⁴⁷⁶ Resolution 1556 (2004), para. 15.

⁴⁷⁷ S/2004/763, para. 13, and S/2004/881, para. 59.

⁴⁷⁸ Resolution 1574 (2004), para. 7.

⁴⁷⁹ Resolution 1590 (2005), para. 10.

16. United Nations Mission in the Sudan

Establishment, mandate and composition

Subsequent to the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army in Nairobi on 9 January 2005, based on the recommendations of the Secretary-General⁴⁸⁰ and the request of the parties to the Comprehensive Peace Agreement for the establishment of a peace support mission,⁴⁸¹ on 24 March 2005, the Security Council, by resolution 1590 (2005), decided to establish the United Nations Mission in the Sudan (UNMIS), for an initial period of six months.⁴⁸²

Pursuant to resolution 1590 (2005), the mandate of UNMIS was (a) to support implementation of the Comprehensive Peace Agreement by performing a series of specific tasks;⁴⁸³ (b) to facilitate and

⁴⁸⁰ See S/2005/57, S/2005/68 and S/2005/140.

⁴⁸¹ Resolution 1590 (2005), twenty-first preambular paragraph.

⁴⁸² *Ibid.*, para. 1.

⁴⁸³ The specific tasks were (i) to monitor and verify the implementation of the N'Djamena ceasefire agreement and to investigate violations; (ii) to liaise with bilateral donors on the formation of joint integrated units; (iii) to observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS deployment in accordance with the ceasefire agreement; (iv) to assist in the establishment of the disarmament, demobilization and reintegration programme as called for in the Comprehensive Peace Agreement, and its implementation through voluntary disarmament and weapons collection and destruction; (v) to assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of UNMIS by means of an effective public information campaign; (vi) to assist the parties to the Comprehensive Peace Agreement in addressing the need for a national inclusive approach, including the role of women, towards reconciliation and peacebuilding; (vii) to assist the parties to the Comprehensive Peace Agreement in restructuring the police service in the Sudan to develop a police training and evaluation programme and to otherwise assist in the training of civilian police; (viii) to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of the Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to a long-term peace and stability and to assist the parties to the Agreement to develop and consolidate the national

coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions; (c) to assist the parties to the Comprehensive Peace Agreement by providing humanitarian demining assistance, technical advice and coordination; and (d) to contribute towards international efforts to protect and promote human rights in the Sudan, as well as coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups within the capabilities of UNMIS and in close cooperation with other United Nations agencies, related organizations and non-governmental organizations.⁴⁸⁴ The Council also requested that UNMIS closely and continuously liaise and coordinate at all levels with the African Union Mission in the Sudan (AMIS) with a view to expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and AMIS.⁴⁸⁵ Acting under Chapter VII of the Charter, the Council also authorized UNMIS to take the necessary action, in the areas of deployment of its forces and as it deemed within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence.⁴⁸⁶

In accordance with resolution 1590 (2005), UNMIS consisted of up to 10,000 military personnel and an appropriate civilian component including up to 715 civilian police personnel.⁴⁸⁷ The Special Representative of the Secretary-General and Head of the Mission had been appointed prior to the

legal framework; (ix) to ensure an adequate human rights presence, capacity, and expertise within UNMIS to carry out human rights promotion, civilian protection and monitoring activities; and (x) to provide guidance and technical assistance to the parties to the Comprehensive Peace Agreement to support the preparations for and conduct of elections and referenda provided for by the Comprehensive Peace Agreement.

⁴⁸⁴ Resolution 1590 (2005), para. 4.

⁴⁸⁵ *Ibid.*, para. 2.

⁴⁸⁶ *Ibid.*, para. 16 (i).

⁴⁸⁷ *Ibid.*, para. 1.

establishment of the Mission.⁴⁸⁸ The Military Adviser for the United Nations Advance Mission in the Sudan was initially appointed as Force Commander.⁴⁸⁹

Mandate implementation

During the period under review, in accordance with the recommendations of the Secretary-General,⁴⁹⁰ the Council extended the mandate of UNMIS six times, by a series of resolutions, for periods of up to six months, the last until 30 April 2008.⁴⁹¹

In accordance with the Secretary-General's recommendation,⁴⁹² by resolution 1706 (2006) of 31 August 2006, and in order to support the early and effective implementation of the Darfur Peace Agreement signed on 5 May 2006, the Council decided that the mandate of UNMIS, without prejudice to its existing mandate and operations as provided for in resolution 1590 (2005), should be expanded and that the Mission should be deployed to Darfur.⁴⁹³ The Council decided that the mandate of UNMIS in Darfur should be to support implementation of the Darfur Peace Agreement and the N'Djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur, including by performing a number of specific tasks.⁴⁹⁴

⁴⁸⁸ See S/2004/503 and S/2004/504. See also the section on the United Nations Advance Mission in the Sudan in the present chapter.

⁴⁸⁹ See S/2006/8.

⁴⁹⁰ See S/2005/579, S/2007/213 and S/2007/624.

⁴⁹¹ Resolutions 1627 (2005), para. 1; 1663 (2006), para. 1; 1709 (2006), para. 1; 1714 (2006), para. 1; 1755 (2007), para. 1; and 1784 (2007), para. 1.

⁴⁹² S/2006/591.

⁴⁹³ Resolution 1706 (2006), para. 1.

⁴⁹⁴ *Ibid.*, para. 8. The specific tasks were (i) to monitor and verify the implementation by the parties of chapter 3 ("Comprehensive Ceasefire and Final Security Arrangements") of the Darfur Peace Agreement and the N'Djamena Agreement; (ii) to observe and monitor movement of armed groups and redeployment of forces in areas of UNMIS deployment by ground and aerial means in accordance with the Agreements; (iii) to investigate violations of the Agreements and to report violations to the Ceasefire Commission; as well as to cooperate and coordinate with the Ceasefire Commission, the Joint Commission and the Joint Humanitarian Facilitation and Monitoring Unit established pursuant to the Agreements; (iv) to maintain a presence in key areas, such as buffer zones established pursuant to the Darfur Peace Agreement, areas inside camps for internally displaced persons and demilitarized zones around and inside those camps, in order to

The Council also decided that the mandate of UNMIS should be (a) to facilitate and coordinate in close cooperation with relevant United Nations agencies, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions in Darfur; (b) to contribute towards international efforts to protect, promote and monitor human rights in Darfur, as well as to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups, including internally displaced persons, returning refugees, and women and children; (c) to assist the parties to the Agreements by providing humanitarian demining assistance, technical advice and coordination, as well as mine awareness programmes targeted at all sectors of society; and (d) to assist in addressing

promote the re-establishment of confidence, to discourage violence, in particular by deterring use of force; (v) to monitor transborder activities of armed groups along the Sudanese borders with Chad and the Central African Republic, in particular through regular ground and aerial reconnaissance activities; (vi) to assist with development and implementation of a comprehensive and sustainable programme for disarmament, demobilization and reintegration of former combatants and women and children associated with combatants; (vii) to assist the parties in the preparations for and conduct of referendums provided for in the Darfur Peace Agreement; (viii) to assist the parties to the Agreements in promoting understanding of the peace accord and of the role of UNMIS; (ix) to cooperate closely with the Chairperson of the Darfur-Darfur Dialogue and Consultation, provide support and technical assistance to him, and coordinate the activities of other United Nations agencies to this effect, as well as to assist the parties to the Dialogue and Consultation in addressing the need for an all-inclusive approach, including the role of women, towards reconciliation and peacebuilding; (x) to assist the parties to the Darfur Peace Agreement in restructuring the police service in the Sudan; (xi) to assist the parties to the Darfur Peace Agreement in promoting the rule of law and the protection of human rights of all people of the Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Agreement to develop and consolidate the national legal framework; and (xii) to ensure an adequate human rights and gender presence, capacity and expertise within UNMIS to carry out human rights promotion, civilian protection and monitoring activities that included particular attention to the needs of women and children.

regional security issues in close liaison with international efforts to improve the security situation in the neighbouring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic, including through the establishment of a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in internally displaced and refugee camps, and, if necessary, in the Central African Republic, and to contribute to the implementation of the agreement between the Sudan and Chad⁴⁹⁵ signed on 26 July 2006.⁴⁹⁶ Finally, acting under Chapter VII of the Charter, the Council also decided that UNMIS was authorized to use all necessary means, in the areas of deployment of its forces and as it deemed within its capabilities (a) to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, Assessment and Evaluation Commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under threat of physical violence; (b) in order to support early and effective implementation of the Darfur Peace Agreement, to prevent attacks and threats against civilians; (c) to seize or collect, as appropriate, arms or related materiel whose presence in Darfur was in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004), and to dispose of such arms and related materiel as appropriate.⁴⁹⁷

By the same resolution, the Council decided that upon expiration of the mandate of the African Union Mission in the Sudan, but in any event no later than 30 December 2006, UNMIS should take over its responsibility for supporting the implementation of the Darfur Peace Agreement.⁴⁹⁸ The Council also decided to authorize the strength of UNMIS by up to 17,300 military personnel, an appropriate civilian component including up to 3,300 civilian police personnel and 61 formed police units.⁴⁹⁹

⁴⁹⁵ S/2006/637, annex II.

⁴⁹⁶ Resolution 1706 (2006), para. 9.

⁴⁹⁷ *Ibid.*, para. 12.

⁴⁹⁸ *Ibid.*, para. 5.

⁴⁹⁹ *Ibid.*, para. 3.

By resolution 1769 (2007) of 31 July 2007, the Council, in establishing an African Union-United Nations Hybrid Operation in Darfur, decided that the authorized strength of UNMIS should revert to that specified in resolution 1590 (2005) upon the transfer of authority from the African Union Mission in the Sudan to the African Union-United Nations Hybrid Operation in Darfur.⁵⁰⁰

17. African Union-United Nations Hybrid Operation in Darfur

Establishment, mandate and composition

Pursuant to the joint report, issued on 5 June 2007, of the Secretary-General and the Chairperson of the African Union Commission,⁵⁰¹ the Council, by its resolution 1769 (2007) of 31 July 2007, decided to authorize the establishment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) for an initial period of 12 months in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of the ongoing negotiations between the Government of the Sudan and other parties.⁵⁰²

As set out in the report of the Secretary-General and the Chairperson of the African Union,⁵⁰³ the Council decided⁵⁰⁴ that the mandate of UNAMID would be (a) to contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur; (b) to contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan; (c) to monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as to assist with the implementation of the Darfur Peace Agreement and any subsequent agreements; (d) to assist the political process in order to ensure that it was inclusive, and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process; (e) to

contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes; (f) to contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur; (g) to assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the legal framework, in consultation with relevant Sudanese authorities; and (h) to monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic. In order to achieve these broad goals, the operation's tasks would include (a) support for the peace process and good offices;⁵⁰⁵ (b) security;⁵⁰⁶ (c) rule of

⁵⁰⁵ The specific tasks were (i) to support the good offices of the African Union-United Nations Joint Special Representative for Darfur and the mediation efforts of the Special Envoys of the African Union and the United Nations; (ii) to support and monitor the implementation of the Darfur Peace Agreement and subsequent agreements; (iii) to participate in and support the major bodies established by the Darfur Peace Agreement and any subsequent agreements in the implementation of their mandate; (iv) to facilitate the preparation and conduct of the Darfur-Darfur Dialogue and Consultation, as stipulated in the Darfur Peace Agreement; (v) to assist in the preparations for the conduct of the referendums provided for in the Darfur Peace Agreement; (vi) to ensure the complementary implementation of all peace agreements in the Sudan, particularly with regard to the national provisions of those agreements, and compliance with the Interim National Constitution; and (vii) to liaise with UNMIS, the African Union Liaison Office for the implementation of the Comprehensive Peace Agreement and other stakeholders to ensure complementary implementation of the mandates of UNMIS, the African Union Liaison Office and the hybrid operation in Darfur.

⁵⁰⁶ The specific tasks were (i) to promote the re-establishment of confidence, deter violence and assist in monitoring and verifying the implementation of the redeployment and disengagement provisions of the Darfur Peace Agreement; (ii) to monitor, investigate, report and assist the parties in resolving violations of the Darfur Peace Agreement and subsequent complementary agreements through the Ceasefire Commission and the Joint Commission; (iii) to monitor, verify and promote efforts to disarm the Janjaweed and other militias; (iv) to coordinate non-combat logistical support for the movements; (v) to assist in the establishment of the disarmament, demobilization and reintegration programme; (vi) to contribute to the creation of the necessary security conditions for the provision of humanitarian assistance and

⁵⁰⁰ Resolution 1769 (2007), para. 12.

⁵⁰¹ S/2007/307/Rev.1.

⁵⁰² Resolution 1769 (2007), para. 1.

⁵⁰³ S/2007/307/Rev.1, paras. 54 and 55.

⁵⁰⁴ Resolution 1769 (2007), para. 1.

law, governance, and human rights;⁵⁰⁷ and (d) humanitarian assistance.⁵⁰⁸ The Council decided further that UNAMID should monitor whether any arms or related material were present in Darfur in violation of the Agreements and the measures imposed by

to facilitate the voluntary and sustainable return of refugees and internally displaced persons to their homes; (vii) in the areas of deployment of its forces and within its capabilities, to protect the hybrid operation's personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations-African Union personnel, humanitarian workers and Assessment and Evaluation Commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups and protect civilians under imminent threat of physical violence and prevent attacks and threats against civilians; (viii) to monitor through proactive patrolling the parties' policing activities in camps for internally displaced persons, demilitarized and buffer zones and areas of control; (ix) to support the establishment and training of community police in camps for internally displaced persons, to support capacity-building of the Government of the Sudan police in Darfur and to support the institutional development of the police of the movements; (x) to support the efforts of the Government of the Sudan and of the police of the movements to maintain public order and build the capacity of Sudanese law enforcement in this regard through specialized training and joint operations; and (xi) to provide technical mine-action advice and coordination and demining capacity to support the Darfur Peace Agreement.

⁵⁰⁷ The specific tasks were (i) to assist in the implementation of the provisions of the Darfur Peace Agreement and any subsequent agreements relating to human rights and the rule of law and to contribute to the creation of an environment conducive to respect for human rights and the rule of law; (ii) to assist all stakeholders and local government authorities, in particular in their efforts to transfer resources in an equitable manner from the federal Government to the Darfur states, and to implement reconstruction plans and existing and subsequent agreements on land use and compensation issues; (iii) to support the parties to the Darfur Peace Agreement in restructuring and building the capacity of the police service in Darfur; (iv) to assist in promoting the rule of law; (v) to ensure an adequate human rights and gender presence capacity, and expertise in Darfur in order to contribute to efforts to protect and promote human rights in Darfur, with particular attention to vulnerable groups; (vi) to assist in harnessing the capacity of women to participate in the peace process; and (vii) to support the implementation of provisions included in the Darfur Peace Agreement and any subsequent agreements relating to upholding the rights of children.

⁵⁰⁸ The specific task was to facilitate the effective provision of humanitarian assistance and full access to people in need.

paragraphs 7 and 8 of resolution 1556 (2004).⁵⁰⁹ Acting under Chapter VII of the Charter, the Council decided that UNAMID was authorized to take the necessary action, in the areas of deployment of its forces and as it deemed within its capabilities (i) to protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers; and (ii) to support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan.⁵¹⁰

Pursuant to resolution 1769 (2007), UNAMID, incorporating personnel of the African Union Mission in the Sudan (AMIS) and the United Nations heavy and light support packages to the Mission, consisted of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each.⁵¹¹ The Council decided that, no later than October 2007, UNAMID should (a) establish an initial operational capability for the headquarters, including the necessary management and command and control structures, through which operational directives would be implemented; (b) as of October 2007, complete preparations to assume operational command authority over the light support package, personnel deployed to AMIS, and such heavy support package and hybrid personnel as might be deployed by that date, in order to perform such tasks under its mandate; and (c) no later than 31 December 2007, would assume authority from AMIS with a view to achieving full operational capability and force strength as soon as possible thereafter. The Council also decided that there would be unity of command and control which, in accordance with basic principles of peacekeeping, meant a single chain of command, and that command and control structures and backstopping would be provided by the United Nations.⁵¹² By the same resolution, the Council further welcomed the appointment of the African Union-United Nations Joint Special Representative for Darfur and a Force Commander.⁵¹³

⁵⁰⁹ Resolution 1769 (2007), para. 9.

⁵¹⁰ *Ibid.*, para. 15.

⁵¹¹ *Ibid.*, para. 2.

⁵¹² *Ibid.*, paras. 5 and 7.

⁵¹³ *Ibid.*, para. 3.

18. United Nations Mission in the Central African Republic and Chad

Establishment, mandate and composition

On the basis of the recommendations of the Secretary-General,⁵¹⁴ and in consultation with the authorities of Chad and the Central African Republic,⁵¹⁵ on 25 September 2007, the Council, by resolution 1778 (2007), approved the establishment of a multidimensional presence,⁵¹⁶ intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas. The Council decided that the multidimensional presence would include a United Nations Mission in the Central African Republic and Chad (MINURCAT), for a period of one year.⁵¹⁷

The mandate of MINURCAT was in the following areas with specific tasks: (a) security and protection of civilians;⁵¹⁸ and (b) human rights and the rule of law.⁵¹⁹

⁵¹⁴ See S/2007/488.

⁵¹⁵ See letters dated 11 September 2007 (S/2007/540 and S/2007/551, respectively).

⁵¹⁶ The multidimensional presence also included a European Union operation, which was authorized, under Chapter VII of the Charter, to take all necessary measures to, inter alia, protect United Nations personnel, facilities, installations and equipment and protect the security and freedom of movement of its staff and United Nations and associated personnel. For more information, see chap. XI, part IV, sect. A and chap. XII, part III.

⁵¹⁷ Resolution 1778 (2007), paras. 1 and 2.

⁵¹⁸ *Ibid.*, para. 2. The specific tasks were (i) to select, train, advise and facilitate support to elements of the Police tchadienne pour la protection humanitaire; (ii) to liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment; (iii) to liaise with the Government of Chad and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of their efforts to relocate refugee camps which were in close proximity to the border, and to provide to UNHCR logistical assistance for that purpose; and (iv) to liaise closely with the Government of the

In accordance with resolution 1778 (2007), MINURCAT included a maximum of 300 police and 50 military liaison officers and an appropriate number of civilian personnel.⁵²⁰

Americas

19. United Nations Stabilization Mission in Haiti

Establishment, mandate and composition

On the basis of the recommendation of the Secretary-General,⁵²¹ on 30 April 2004, the Security Council, by resolution 1542 (2004), established the United Nations Stabilization Mission in Haiti (MINUSTAH) for an initial period of six months and requested that authority be transferred from the Multinational Interim Force which had been authorized by resolution 1529 (2004) of 29 February 2004 to MINUSTAH on 1 June 2004.⁵²²

Pursuant to resolution 1542 (2004), MINUSTAH had a mandate to secure a secure and stable environment under Chapter VII of the Charter.⁵²³ In

Sudan, the African Union, AMIS, UNAMID, BONUCA, the Multinational Force of the Central African Economic and Monetary Community and the Community of Sahelo-Saharan States to exchange information on threats to humanitarian activities in the region.

⁵¹⁹ Resolution 1778 (2007), para. 2. The specific tasks were (i) to contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and recommend action to the competent authorities, with a view to fighting impunity; (ii) to support, within its capabilities, efforts aimed at strengthening the capacity of the Governments of Chad and the Central African Republic and civil society through training in international human rights standards, and efforts to put an end to recruitment and use of children by armed groups; and (iii) to assist the Governments of Chad and, notwithstanding the mandate of BONUCA, the Central African Republic in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies.

⁵²⁰ Resolution 1778 (2007), para. 3.

⁵²¹ S/2004/300.

⁵²² Resolution 1542 (2004), para. 1.

⁵²³ The specific tasks were (i) in support of the Transitional Government, to ensure a secure and stable environment within which the constitutional and political process in Haiti can take place; (ii) to assist the Transitional Government in monitoring, restructuring and reforming

addition, MINUSTAH had other mandates,⁵²⁴ not under Chapter VII of the Charter, relating to the political process⁵²⁵ and human rights.⁵²⁶

The Council also decided that MINUSTAH, in collaboration with other partners, should provide advice and assistance within its capacity to the Transitional Government: (a) in the investigation of human rights violations and violations of international humanitarian law to put an end to impunity, as well as (b) in the development of a strategy for reform and institutional strengthening of the judiciary.⁵²⁷ The Council further decided that the Mission should coordinate and cooperate with the Transitional Government, as well as with their international partners, in order to facilitate the provision and

the Haitian National Police, advising on its reorganization and training, including gender training, as well as monitoring/mentoring members of the Haitian National Police; (iii) to assist the Transitional Government, particularly the Haitian National Police, with comprehensive and sustainable disarmament, demobilization and reintegration programmes for all armed groups, as well as weapons control and public security measures; (iv) to assist with the restoration and maintenance of the rule of law, public safety and public order in Haiti, as well as their institutional strengthening; (v) to protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its personnel; and (vi) to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment.

⁵²⁴ Resolution 1542 (2004), para. 7.

⁵²⁵ The specific tasks were (i) to support the constitutional and political process under way in Haiti and to foster principles of democratic governance and institutional development; (ii) to assist the Transitional Government in its efforts to bring about a process of national dialogue and reconciliation; (iii) to assist the Transitional Government in its efforts to organize, monitor, and carry out free and fair municipal, parliamentary and presidential elections at the earliest possible date; and (iv) to assist the Transitional Government in extending State authority throughout Haiti and support good governance at local levels.

⁵²⁶ The specific tasks were (i) to support the Transitional Government, as well as Haitian human rights institutions and groups in their efforts to promote and protect human rights in order to ensure individual accountability for human rights abuses and redress for victims; and (ii) to monitor and report on the human rights situation, in cooperation with the Office of the United Nations High Commissioner for Human Rights.

⁵²⁷ Resolution 1542 (2004), para. 8.

coordination of humanitarian assistance and access of humanitarian workers to Haitian people in need.⁵²⁸

Pursuant to resolution 1542 (2004), MINUSTAH consisted of a civilian and a military component in accordance with the Secretary-General's report,⁵²⁹ the civilian component included a maximum of 1,622 civilian police, including advisers and formed units and the military component included up to 6,700 troops of all ranks.⁵³⁰ Through exchanges of letters between the Secretary-General and the President of the Council, the Council appointed a Force Commander and the Special Representative of the Secretary-General and Head of MINUSTAH.⁵³¹

Mandate implementation

During the period under review, the Council, acting under Chapter VII of the Charter, as described in paragraph 7, section I, of resolution 1542 (2004), extended the mandate of MINUSTAH by a series of resolutions,⁵³² on the basis of the recommendations of the Secretary-General, for periods of up to a year, the last until 15 October 2008.⁵³³

By resolution 1576 (2004) of 29 November 2004, the Council endorsed the Secretary-General's recommendations on the structure of MINUSTAH,⁵³⁴ which included adding, for an interim period, an additional formed police unit of 125 officers in Port-au-Prince, to provide enhanced operational support to the Haitian National Police and to strengthen security arrangements in the capital and adding one engineering company to the military component, both within the authorized strength of 1,622 officers, as well as augmenting the capacity of MINUSTAH to implement disarmament, demobilization and reintegration projects; and a modest strengthening of the humanitarian and development coordination pillar of MINUSTAH.⁵³⁵

⁵²⁸ *Ibid.*, para. 9.

⁵²⁹ S/2004/300.

⁵³⁰ Resolution 1542 (2004), para. 4.

⁵³¹ S/2004/439 and S/2004/440; S/2004/565 and S/2004/566, respectively.

⁵³² Resolutions 1576 (2004), para. 1; 1601 (2005), para. 1; 1608 (2005), para. 1; 1658 (2006), para. 1; 1702 (2006), para. 1; 1743 (2007), para. 1; and 1780 (2007), para. 1.

⁵³³ S/2004/908, S/2005/313, S/2006/60, S/2006/592, S/2006/1003 and S/2007/503.

⁵³⁴ S/2004/908, paras. 52-57.

⁵³⁵ Resolution 1576 (2004), para. 3.

On 22 June 2005, by resolution 1608 (2005), the Council supported the recommendations of the Secretary-General⁵³⁶ for (a) a temporary increase, during the electoral period and subsequent political transition, of 750 personnel to the currently authorized military strength in order to create a rapid reaction force in Haiti to provide increased security; (b) an increase of 50 military personnel in order to create a sector headquarters in Port-au-Prince; and (c) a temporary increase of 275 personnel to the strength of the Mission's civilian police component during the electoral period. The Council further decided that, for a temporary period, MINUSTAH would consist of a military component of up to 7,500 troops of all ranks and up to 1,897 civilian police. The Council also requested that MINUSTAH concentrate the use of its resources, including civilian police, towards increasing security and protection during the electoral period including a review, as appropriate, of the rules of engagement of the individual civilian police officers; and that MINUSTAH and the Haitian authorities take all necessary steps to achieve optimal coordination between the Mission's civilian police and the Haitian National Police; and that the Mission strengthen its capacity to implement quick-impact projects.⁵³⁷

By resolution 1702 (2006) of 15 August 2007, welcoming the successful and peaceful political transition to an elected Government, as well as the election of a new President and Parliament, the Council decided that MINUSTAH should consist of a military component of 7,200 troops of all ranks and a police component of up to 1,951 officers, and authorized the deployment of 16 correction officers seconded from Member States in support of the Government of Haiti to address the shortcomings of the prison system. It also requested MINUSTAH to reorient its disarmament, demobilization and reintegration efforts, to further that goal, towards a comprehensive community violence reduction programme adapted to local conditions. It further decided that MINUSTAH, consistent with its existing mandate under resolution 1542 (2004) would assist with the restructuring and maintenance of the rule of law, public safety and public order should, provide assistance and advice to the Haitian authorities, in monitoring, restructuring, reforming and strengthening of the justice sector.

⁵³⁶ S/2005/313, paras 44-52.

⁵³⁷ Resolution 1608 (2005), paras. 2, 3, 6, 7 and 14.

By resolution 1780 (2007) of 15 October 2007, the Council endorsed the proposals of the Secretary-General for reconfiguring the Mission,⁵³⁸ and decided that MINUSTAH would consist of a military component of up to 7,060 troops of all ranks and a police component of a total of 2,091 police. The Council also requested MINUSTAH to provide technical expertise in support of the efforts of the Government of Haiti to pursue a comprehensive border management approach, with emphasis on State capacity-building. The Council also requested MINUSTAH to continue to promote and protect the rights of women and children as set out in Security Council resolutions 1325 (2000) and 1612 (2005).⁵³⁹

Asia

20. 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 resolution 91 (1951).⁵⁴⁰

21. United Nations Tajikistan Office of Peacebuilding

At the beginning of the period under review, the United Nations Tajikistan Office of Peacebuilding (UNTOP), established by the Secretary-General on 1 June 2000, continued to provide the political framework and leadership for the peacebuilding activities of the United Nations system in Tajikistan and to work to create and strengthen the political conditions for the irreversibility of the peace process. Accordingly, UNTOP continued to encourage the continuation of national dialogue and reconciliation, facilitate the strengthening of democratic institutions and conflict-prevention mechanisms, promote the rule

⁵³⁸ S/2007/503, paras. 28 and 29.

⁵³⁹ Resolution 1780 (2007), paras. 2 and 10.

⁵⁴⁰ Since 1971, the Council has not formally discussed the United Nations Military Observer Group in India and Pakistan, which is funded from the regular United Nations budget without the requirement of a periodic renewal procedure.

of law and contribute to building national capacity in the area of human rights.

Termination of mandate

During the period under review, UNTOP was renewed three times for a period of one year, the final period ending on 1 June 2007, through exchanges of letters between the Secretary-General and the President of the Security Council.⁵⁴¹ At the end of its mandate on 1 June 2007, the Office was terminated.⁵⁴²

22. United Nations Assistance Mission in Afghanistan

At the beginning of the period under review, the United Nations Assistance Mission in Afghanistan (UNAMA), established pursuant to resolution 1401 (2002), continued to promote peace and stability in Afghanistan by leading efforts of the international community in conjunction with the Government of Afghanistan in rebuilding the country and strengthening the foundations of peace and constitutional democracy.

Mandate implementation

During the period under review, the Council, by a series of resolutions,⁵⁴³ decided to extend the mandate of UNAMA four times on the basis of the reports of the Secretary-General⁵⁴⁴ for further periods of 12 months, the last of which ended on 23 March 2008.

By resolution 1536 (2004) of 26 March 2004, the Council 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 new Afghan Constitution, in particular those regarding the full enjoyment by women of their human rights.⁵⁴⁵ It also requested UNAMA to support the establishment

of a fair and transparent judicial system, and work towards the strengthening of the rule of law.⁵⁴⁶

Subsequent to the launching of the Afghanistan Compact⁵⁴⁷ on 31 January 2006, by resolution 1662 (2006) of 23 March 2006, the Council endorsed the recommendations of the Secretary-General⁵⁴⁸ that the mandate of UNAMA be (a) to provide political and strategic advice for the peace process, including strengthening the emerging democratic institutions of the State; (b) to provide good offices, as appropriate; (c) to assist the Government of Afghanistan in the coordination and monitoring of the implementation of the Afghanistan Compact, and co-chair the Joint Coordination and Monitoring Board; (d) to continue to promote human rights through an independent role in monitoring human rights violations and capacity-building of national institutions, in close collaboration with the Office of the United Nations High Commissioner for Human Rights; (e) to continue to provide technical assistance in sectors where the United Nations had a demonstrated comparative advantage and expertise in Afghanistan, including in the disbandment of illegal armed groups and support to the Independent Electoral Commission; and (f) to continue to manage all United Nations humanitarian relief, recovery, reconstruction and development activities in Afghanistan, under the overall authority of the Special Representative and in coordination with the Government of Afghanistan. Regarding the structure and composition of UNAMA, the Mission would retain its previous structure with a few modifications to scope and size. The Mission would continue to be headed by a Special Representative of the Secretary-General, whose Office would remain to be supported by two pillars of (a) political affairs and (b) relief, recovery and development, but with some increase in international and national officers at UNAMA headquarters. UNAMA would maintain its current presence of eight regional offices and two subregional offices, and extend the reach of the regional offices, security circumstances permitting, by establishing an additional presence in other provincial capitals, according to their strategic importance.⁵⁴⁹

⁵⁴¹ S/2004/331 and S/2004/33; S/2005/323 and S/2005/324; S/2006/355 and S/2006/356.

⁵⁴² See also the United Nations Regional Centre for Preventive Diplomacy, under "Regional offices" below.

⁵⁴³ Resolutions 1536 (2004), para. 1; 1589 (2005), para. 2; 1662 (2006), para. 3; and 1746 (2007), para. 3.

⁵⁴⁴ S/2004/230, S/2005/183, S/2006/145 and S/2007/152.

⁵⁴⁵ Resolution 1536 (2004), para. 10. Similar requests were made in resolutions 1589 (2005), para. 10; 1662 (2006), para. 12; and 1746 (2007), para. 18.

⁵⁴⁶ Resolution 1536 (2004), para. 10. A similar request was made in resolution 1589 (2005), para. 9.

⁵⁴⁷ S/2006/90, annex.

⁵⁴⁸ S/2006/145, paras. 52-62.

⁵⁴⁹ Resolution 1662 (2006), para. 3.

By resolution 1746 (2007) of 23 March 2007, the Council stressed the role of UNAMA to promote a more coherent international engagement in support of Afghanistan, to extend its good offices through outreach in Afghanistan, to support regional cooperation in the context of the Afghanistan Compact, to promote humanitarian coordination and to continue to contribute to human rights protection and promotion, including monitoring of the situation of civilians in armed conflict. It also welcomed the expanded presence of UNAMA in the provinces, through regional and provincial offices, which supported efforts at the central level to coordinate and monitor the implementation of the Afghanistan Compact and assist the efforts of the Government of Afghanistan and its international partners in improving the delivery of services to Afghan citizens throughout the country and encouraged further progress in this regard, including in the southern and eastern provinces, security circumstances permitting.⁵⁵⁰

23. United Nations Mission of Support in East Timor

During the period under review, the United Nations Mission of Support in East Timor (UNMISSET), established pursuant to resolution 1410 (2002), continued (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 assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service; and (c) to contribute to the maintenance of the external and internal security of East Timor.

Mandate implementation

At the beginning of the period under review, the Council, welcoming the recommendations of the Secretary-General,⁵⁵¹ extended the mandate of UNMISSET twice, by resolutions 1543 (2004) and 1573 (2004), for periods of six months until 20 May 2005.⁵⁵²

By resolution 1543 (2004) of 14 May 2004, the Council decided to reduce the size of UNMISSET and revise its tasks, in accordance with the

⁵⁵⁰ Resolution 1746 (2007), paras. 4 and 5.

⁵⁵¹ S/2004/117, S/2004/333 and S/2004/888.

⁵⁵² Resolutions 1543 (2004), para. 1, and 1573 (2004), para. 1.

recommendations of the Secretary-General,⁵⁵³ and decided accordingly that UNMISSET should have the following mandate: (a) support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes; (b) support to the development of law enforcement in Timor-Leste; and (c) support for the security and stability of Timor-Leste. The Council also decided that UNMISSET should include up to 58 civilian advisers, 157 civilian police advisers, 42 military liaison officers, 310 formed troops and a 125-person International Response Unit. The Council further decided that internationally accepted human rights principles should continue to form an integral part of training and capacity-building carried out by UNMISSET.⁵⁵⁴

Termination/transition to a new mission

By resolution 1573 (2004) of 16 November 2004, the Council requested UNMISSET to focus increasingly on implementing its exit strategy, particularly with a view to ensuring increasing involvement and ownership of the Timorese in the mission's three programme areas of the Mission, so that, when it departed from Timor-Leste, its responsibilities could be taken over by the Timorese, with the continued assistance of the United Nations system and bilateral and multilateral partners.⁵⁵⁵

By resolution 1599 (2005) of 28 April 2005, the Council commended UNMISSET and welcomed the continuing progress made towards the completion of key tasks inscribed in its mandate, particularly during its consolidation phase, in accordance with resolutions 1543 (2004) and 1573 (2004), while deciding to establish a follow-on special political mission in Timor-Leste, the United Nations Office in Timor-Leste.⁵⁵⁶ The mandate of UNMISSET was terminated on 20 May 2005.

24. United Nations Office in Timor-Leste

Establishment, mandate and composition

On the basis of the recommendations of the Secretary-General and the Government of Timor-

⁵⁵³ S/2004/333, section II.

⁵⁵⁴ Resolution 1543 (2004), paras. 2-4.

⁵⁵⁵ Resolution 1573 (2004), para. 3.

⁵⁵⁶ Resolution 1599 (2005), fourth preambular paragraph and para. 1.

Leste,⁵⁵⁷ on 28 April 2005, the Council, by resolution 1599 (2005), established the United Nations Office in Timor-Leste (UNOTIL) as a follow-on special political mission to UNMISSET for a period of one year, until 20 May 2006.

Pursuant to resolution 1599 (2005), UNOTIL was mandated (a) to support the development of critical State institutions through provision of up to 45 civilian advisers; (b) to support further development of the police through provision of up to 40 police advisers, and support the development of the Border Patrol Unit, through provision of up to 35 additional advisers, 15 of whom might be military advisers; (c) to provide training in observance of democratic governance and human rights through provision of up to 10 human rights officers; and (d) to monitor and review progress of the above tasks.⁵⁵⁸ The Council also requested that, when implementing its mandate, UNOTIL emphasize proper transfer of skills and knowledge in order to build the capacity of the public institutions of Timor-Leste to deliver their services in accordance with international principles of rule of law, justice, human rights, democratic governance, transparency, accountability and professionalism.⁵⁵⁹ UNOTIL was to be led by a Special Representative of the Secretary-General, who would direct the operations of the mission and coordinate all United Nations activities in Timor-Leste through his office, with due attention to the safety of personnel, and facilitated by appropriate levels of logistics support, including transportation assets, such as air transport when necessary.⁵⁶⁰ Subsequently the Special Representative was appointed through an exchange of letters between the Secretary-General and the President of the Council.⁵⁶¹

Mandate implementation

During the period under review, the Council, by a series of resolutions, and on the basis of requests of the Government of Timor-Leste,⁵⁶² extended the mandate of UNOTIL for periods of up to two months, the last until 25 August 2006, with a view of planning for the

role of the United Nations following the expiration of the mandate of UNOTIL.⁵⁶³

Termination/transition to new mission

At the end of the mandate of UNOTIL on 25 August 2006, the Council, by resolution 1704 (2006) of that date, commended UNOTIL while establishing a follow-on mission, the United Nations Integrated Mission in Timor-Leste.⁵⁶⁴

25. United Nations Integrated Mission in Timor-Leste

Establishment, mandate and composition

On the basis of the recommendations of the Secretary-General⁵⁶⁵ and the requests by the Government of Timor-Leste,⁵⁶⁶ the Council, by resolution 1704 (2006) of 25 August 2006, decided to establish the United Nations Integrated Mission in Timor-Leste (UNMIT), for an initial period of six months with the intention to renew for further periods.⁵⁶⁷

Pursuant to resolution 1704 (2006), the mandate of UNMIT was (a) to support the Government of Timor-Leste and relevant institutions with a view to consolidating stability, enhancing a culture of democratic governance and facilitating political dialogue among Timorese stakeholders in their efforts to bring about a process of national reconciliation and to foster social cohesion; (b) to support Timor-Leste in all aspects of the 2007 presidential and parliamentary electoral process; (c) to ensure, through the presence of United Nations police, the restoration and maintenance of public security in Timor-Leste through the provision of support to the Timorese national police as outlined in the report of the Secretary-General;⁵⁶⁸ (d) to support the Government to liaise on security tasks and to establish a continuous presence in three border districts alongside armed United Nations police officers assigned to district police stations, through the

⁵⁵⁷ S/2005/99 and S/2005/103.

⁵⁵⁸ Resolution 1599 (2005), para. 2.

⁵⁵⁹ *Ibid.*, para. 3.

⁵⁶⁰ *Ibid.*, para. 4.

⁵⁶¹ S/2005/356 and S/2005/357.

⁵⁶² S/2006/383, annex; S/2006/620, annex; and S/2006/651, annex.

⁵⁶³ Resolutions 1677 (2006), para. 1; 1690 (2006), para. 1; and 1703 (2006), para. 1.

⁵⁶⁴ Resolution 1704 (2006), tenth preambular paragraph and para. 1.

⁵⁶⁵ S/2006/251 and S/2006/628.

⁵⁶⁶ S/2006/620, annex; S/2006/651, annex; and S/2006/668, annex.

⁵⁶⁷ Resolution 1704 (2006), para. 1.

⁵⁶⁸ S/2006/628.

impartial presence of United Nations military liaison officers; (e) to assist the Government in conducting a comprehensive review of the future role and needs of the security sector; (f) to assist in further building the capacity of State and Government institutions in areas where specialized expertise was required such as in the justice sector, and promote a “compact” between Timor-Leste and the international community for coordinating Government, United Nations and other multilateral and bilateral contributors to priority programmes; (g) to assist in further strengthening the national institutional and societal capacity and mechanisms for the monitoring, promoting and protecting human rights and for promoting justice and reconciliation and report on the human rights situation; (h) to facilitate the provision of relief and recovery assistance and access to the Timorese people in need; (i) to assist in the implementation of the relevant recommendations in the report of the Secretary-General on justice and reconciliation in Timor-Leste;⁵⁶⁹ (j) to cooperate and coordinate with United Nations agencies, funds and programmes as well as all relevant partners in carrying out tasks mentioned above as relevant, with a view to making maximum use of existing and forthcoming bilateral and multilateral assistance to Timor-Leste in post-conflict peacebuilding and capacity-building and support the Government and relevant institutions in designing poverty reduction and economic growth policies and strategies to achieve the development plan of Timor-Leste; (k) to mainstream gender perspectives and those of children and youth throughout the policies, programmes and activities of the Mission, and support the development of a national strategy to promote gender equality and empowerment of women; (l) to provide objective and accurate information to the Timorese people, particularly regarding the forthcoming 2007 elections, while promoting an understanding of the of the mission, and assist in building local media capacity; (m) to ensure, within its capability and areas of deployment, and in coordination with the international security forces, the security and freedom of movement of United Nations and associated personnel, and protect United Nations personnel, facilities, installations and equipment and humanitarian assets associated with the operation; and

⁵⁶⁹ S/2006/580.

(n) to monitor and review progress in all of the above tasks.⁵⁷⁰

Pursuant to resolution 1704 (2006), UNMIT consisted of an appropriate civilian component, including up to 1,608 police personnel, and an initial component of up to 34 military liaison and staff officers and was headed by a Special Representative of the Secretary-General, who would direct the operations of the Mission and coordinate all United Nations activities in Timor-Leste.⁵⁷¹ The Special Representative was appointed through an exchange of letters between the Secretary-General and the President of the Council.⁵⁷²

Mandate implementation

By resolution 1745 (2007) of 22 February 2007, on the recommendation of the Secretary-General,⁵⁷³ the Council extended the mandate of UNMIT until 26 February 2008.⁵⁷⁴

On the basis of the request of the Government of Timor-Leste⁵⁷⁵ and the recommendations of the Secretary-General, the Council, by resolution 1745 (2007), decided to increase the authorized force strength of UNMIT by up to 140 police personnel in order to permit the deployment of an additional formed police unit to supplement the existing formed police unit, particularly during the pre- and post-electoral period.⁵⁷⁶

26. United Nations Observer Mission in Bougainville

Establishment, mandate and composition

The Secretary-General, by a letter dated 19 December 2003,⁵⁷⁷ informed the Council that, in accordance with the request of the Government of Papua New Guinea supported by the Bougainville parties, he intended to establish the United Nations Observer Mission in Bougainville (UNOMB) for six months, as a follow-on from the United Nations Political Office in Bougainville (UNPOB) whose mandate would expire on 31 December 2003. The Observer Mission would finish

⁵⁷⁰ Resolution 1704 (2006), para. 4.

⁵⁷¹ *Ibid.*, paras. 1 and 3.

⁵⁷² S/2006/923 and S/2006/924.

⁵⁷³ S/2007/50.

⁵⁷⁴ Resolution 1745 (2007), para. 1.

⁵⁷⁵ S/2006/1022.

⁵⁷⁶ Resolution 1745 (2007), para. 2.

⁵⁷⁷ S/2003/1198.

the residual tasks of UNPOB and support the efforts of the parties in the transitional period leading to the elections. By a letter dated 23 December 2003,⁵⁷⁸ the Council took note of that intention.

The mandate of UNOMB was (a) to chair the Peace Process Consultative Committee, which consulted with parties on the peace process in general, and make preparations for elections, in particular; (b) to report on the security and the subsequent destruction of the contained weapons; (c) to monitor the constitutional process leading to the adoption of the Bougainville Constitution; (d) to verify and certify substantial compliance by the parties in the handing-in of weapons and whether the level of security was conducive to the holding of elections, in accordance with the amended Constitution of Papua New Guinea, and, if requested by any of the parties, (e) to perform other good offices, as appropriate, or when requested to do so by the parties.⁵⁷⁹

UNOMB comprised a Head of Mission, one political adviser and two support staff.⁵⁸⁰

Mandate implementation

During the period under review, the mandate of UNPOB was extended on two occasions through exchanges of letters between the Secretary-General and the President of the Security Council for further periods of six months, the last of which ended on 30 June 2005.⁵⁸¹

Termination

In a statement by the President of 15 June 2005, the Council noted with satisfaction that the performance of UNOMB had demonstrated that a small United Nations special political mission with a clearly defined mandate could make a critical contribution to a regional conflict resolution effort in an efficient and effective manner.⁵⁸² Upon the expiration of its mandate on 30 June 2005, the Mission was terminated.

27. United Nations Mission in Nepal

⁵⁷⁸ S/2003/1199.

⁵⁷⁹ See S/2003/1198.

⁵⁸⁰ Ibid.

⁵⁸¹ S/2004/526 and S/2004/527; S/2004/1015 and S/2004/1016.

⁵⁸² S/PRST/2005/23, fifth paragraph.

Establishment, mandate and composition

By a presidential statement dated 1 December 2006,⁵⁸³ the Council noted the request of the parties for United Nations assistance in implementing key aspects of the Comprehensive Peace Agreement signed on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist), in particular monitoring of arrangements relating to the management of arms and armed personnel of both sides and election monitoring, and expressed support for the intention of the Secretary-General to send a technical assessment mission to Nepal,⁵⁸⁴ with a view to proposing a fully developed concept of United Nations operations, including a United Nations political mission to deliver the assistance requested, and to dispatch an advance deployment of up to 35 monitors and 25 electoral personnel.

On the basis of the recommendations of the Secretary-General,⁵⁸⁵ the Council, by resolution 1740 (2007) of 23 January 2007, authorized the establishment of a United Nations political mission in Nepal, the United Nations Mission in Nepal (UNMIN) for a period of 12 months, until 23 January 2008.⁵⁸⁶

Pursuant to resolution 1740 (2007), the mandate of UNMIN was (a) to monitor the management of arms and armed personnel of both sides, in line with the provisions of the Comprehensive Peace Agreement; (b) to assist the parties, through a Joint Monitoring Coordinating Committee, in implementing their agreement on the management of arms and armed personnel of both sides; (c) to assist in the monitoring of the ceasefire arrangements; (d) to provide technical support for the planning, preparation and conduct of the election of a Constituent Assembly in a free and fair atmosphere; and (e) to provide a small team of electoral monitors to review all technical aspects of the electoral process, and report on the conduct of the election.⁵⁸⁷

In accordance with resolution 1740 (2007), the Mission would operate under the leadership of a Special Representative of the Secretary-General, with a planned staff of 1,073 personnel.⁵⁸⁸ The Special

⁵⁸³ S/PRST/2006/49.

⁵⁸⁴ See S/2006/920.

⁵⁸⁵ See S/2007/7.

⁵⁸⁶ Resolution 1740 (2007), paras. 1 and 2.

⁵⁸⁷ Ibid., para. 1.

⁵⁸⁸ See S/2007/442, para. 16.

Representative was appointed through an exchange of letters between the Secretary-General and the President of the Security Council.⁵⁸⁹

Europe

28. United Nations Peacekeeping Force in Cyprus

At the beginning of the period under review, the United Nations Peacekeeping Force in Cyprus (UNFICYP), established pursuant to resolution 186 (1964), continued to fulfil its mandate to use its best efforts to prevent a recurrence of fighting and additional functions performed since a *de facto* ceasefire in August 1974 to supervise the ceasefire lines, provide humanitarian assistance and maintain the buffer zone.

Mandate implementation

On the basis of reports of the Secretary-General,⁵⁹⁰ the Council on eight occasions successively extended the mandate of UNFICYP for further periods of six months, the last until 15 June 2008.⁵⁹¹

Following the rejection of the proposed Comprehensive Settlement of the Cyprus Problem in the referenda of 24 April 2004,⁵⁹² by resolution 1568 (2004) of 22 October 2004, the Council endorsed the recommendations of the Secretary-General⁵⁹³ for the amendment of the concept of operations and force level of UNFICYP, namely, that the military component should be reduced to 860 all ranks, including up to 40 military observers/liaison officers; and the number of civilian police should be increased, while remaining within the current authorized strength; in addition, the political and civil affairs component of the Mission should be strengthened.⁵⁹⁴

⁵⁸⁹ S/2007/61 and S/2007/62.

⁵⁹⁰ S/2004/427, S/2004/756, S/2005/353, S/2005/743 and Corr.1, S/2006/315, S/2006/931, S/2007/328 and S/2007/699 and Corr.1.

⁵⁹¹ Resolutions 1548 (2004), para. 2; 1568 (2004), para. 3; 1604 (2005), para. 2; 1642 (2005), para. 2; 1687 (2006), para. 2; 1728 (2006), para. 3; 1758 (2007), para. 5; and 1789 (2007), para. 5.

⁵⁹² See S/2004/437.

⁵⁹³ S/2004/756.

⁵⁹⁴ Resolution 1568 (2004), para. 2.

29. 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 Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994,⁵⁹⁵ and worked towards bringing the two sides together for meaningful negotiations on a comprehensive political settlement. On the basis of the recommendations of the Secretary-General,⁵⁹⁶ the Council adopted nine resolutions extending the mandate of UNOMIG for further periods of up to six and a half months, the last until 15 April 2008.⁵⁹⁷

30. United Nations Interim Administration Mission in Kosovo

During the period under review, in accordance with resolution 1244 (1999), the United Nations Interim Administration Mission in Kosovo (UNMIK) continued, among other tasks, to promote the establishment of substantial autonomy and self-government in Kosovo, perform basic civilian administrative functions, organize and oversee the development of provisional institutions, transfer its administrative responsibilities, including the holding of elections, facilitate a political process designed to determine the future status of Kosovo, support the reconstruction of key infrastructure and other economic reconstruction, humanitarian and disaster relief aid and maintain civil law and order.

Middle East

31. United Nations Truce Supervision Organization

⁵⁹⁵ S/1994/583 and Corr.1, annex I.

⁵⁹⁶ S/2004/26, S/2004/570, S/2005/32, S/2005/453, S/2006/19, S/2006/173, S/2006/771, S/2007/182 and S/2007/588.

⁵⁹⁷ Resolutions 1524 (2004), para. 29; 1554 (2004), para. 28; 1582 (2005), para. 31; 1615 (2005), para. 33; 1656 (2006), para. 1; 1666 (2006), para. 11; 1716 (2006), para. 17; 1752 (2007), para. 13; and 1781 (2007), para. 19.

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 in the Golan Heights and the United Nations Interim Force in Lebanon, in accordance with its terms of reference.⁵⁹⁸

32. United Nations Disengagement Observer Force

The United Nations Disengagement Observer Force (UNDOF), established pursuant to resolution 350 (1974), continued, during the period under review, to monitor the ceasefire between Israel and the Syrian Arab Republic and to supervise the disengagement of Israeli and Syrian Arab Republic forces and to supervise the areas of separation and limitation, as provided in the agreement on disengagement. On the basis of the Secretary-General's reports,⁵⁹⁹ the Council decided, on eight occasions, to extend its mandate for further periods of six months, the last until 30 June 2008.⁶⁰⁰

33. United Nations Interim Force in Lebanon

At the beginning of 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, to restore international peace and security and assist the Government of Lebanon in restoring its effective authority in the area.

Mandate implementation

⁵⁹⁸ Since the establishment of the United Nations Truce Supervision Organization, the Council has assigned it different tasks without formally changing its mandate: the supervision of the General Armistice, the supervision of the armistice following the Suez war, 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 the United Nations Interim Force in Lebanon and the United Nations Disengagement Observer Force, respectively.

⁵⁹⁹ S/2004/499, S/2004/948, S/2005/379, S/2005/767, S/2006/333, S/2006/938, S/2007/331 and S/2007/698.

⁶⁰⁰ Resolutions 1550 (2004), para. 2; 1578 (2004), para. 2; 1605 (2005), para. 3; 1648 (2005), para. 3; 1685 (2006), para. 3; 1729 (2006), para. 3; 1759 (2007), para. 3; and 1788 (2007), para. 3.

By a series of resolutions, on the basis of recommendations of the Secretary-General⁶⁰¹ and the requests of the Government of Lebanon,⁶⁰² the Council successively extended the mandate of UNIFIL eight times for additional periods of up to one year, the last until 31 August 2008.⁶⁰³

Expressing its utmost concern at the continued escalation of hostilities in Lebanon and in Israel since Hizbullah's attack on Israel on 12 July 2006, the Council, by resolution 1701 (2006) of 11 August 2006, authorized an increase in the force and strength of UNIFIL to a maximum of 15,000 troops, in order to supplement and enhance UNIFIL in numbers, equipment, mandate and scope of operations, and that the Force should, in addition to carrying out its mandate under resolutions 425 (1978) and 426 (1978) (a) monitor the cessation of hostilities; (b) accompany and support the Lebanese armed forces as they deployed throughout the south, including along the Blue Line, as Israel withdrew its armed forces from Lebanon; (c) coordinate its activities related to that mandate with the Governments of Lebanon and Israel; (d) extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons; (e) assist the Lebanese Armed Forces in taking steps towards the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL; and (f) assist the Government of Lebanon, at its request, to implement the Council's call on securing its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel. Acting in support of a request from the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, the Council also authorized UNIFIL to take all necessary action, in areas of deployment of its forces and as it deemed within its capabilities, to ensure that its area of operations was not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from

⁶⁰¹ S/2004/50, S/2004/572 and Add.1, S/2005/36, S/2005/460, S/2006/26, S/2006/560 and S/2007/470.

⁶⁰² S/2004/35, S/2004/560, S/2005/13, S/2005/444, S/2006/15, S/2006/496 and S/2007/396.

⁶⁰³ Resolutions 1525 (2004), para. 2; 1553 (2004), para. 2; 1583 (2005), para. 2; 1614 (2005), para. 2; 1655 (2006), para. 2; 1697 (2006), para. 2; 1701 (2006), para. 16; and 1773 (2007), para. 1.

discharging its duties under the mandate of the Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence.⁶⁰⁴

Furthermore, by an exchange of letters between the Secretary-General and its President,⁶⁰⁵ the Council, in response to the Secretary-General's recommendations,⁶⁰⁶ authorized the reinforcement of UNIFIL with a maritime unit for controlling the coastline.

34. United Nations Assistance Mission for Iraq

At the beginning of the period under review, the United Nations Assistance Mission for Iraq (UNAMI), established pursuant to resolution 1500 (2003), continued to coordinate the activities of the United Nations in post-conflict processes in Iraq.

Mandate implementation

The Council adopted four resolutions on the basis of the recommendations of the Secretary-General⁶⁰⁷ and the requests of the Government of Iraq,⁶⁰⁸ extending the mandate of UNAMI for further periods of one year, the last until 10 August 2008.⁶⁰⁹

Subsequent to the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which would assume full responsibility and authority by 30 June 2004 for governing Iraq, the Council, by resolution 1546 (2004) of 8 June 2004, adopted under Chapter VII of the Charter, decided that in implementing, as circumstances permitted, their mandate to assist the Iraqi people and Government, the Special Representative of the Secretary-General and UNAMI, as requested by the Government of Iraq should (a) play a leading role to assist in the convening, during the month of July 2004, of a

national conference to select a Consultative Council; advise and support the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, on the process for holding elections; and promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq; and also (b) advise the Government of Iraq in the development of effective civil and social services; contribute to the coordination and delivery of reconstruction, development, and humanitarian assistance; promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and advise and assist the Government of Iraq on initial planning for the eventual conduct of a comprehensive census.⁶¹⁰

In September and October 2004, through an exchange of letters between the Secretary-General and its President,⁶¹¹ the Council welcomed the arrangement proposed by the Secretary-General to establish an integrated United Nations security structure to carry out access control and patrols within Mission facilities; to provide personal security details for personnel both within United Nations premises and on the move; and to conduct training and coordinate security arrangements between UNAMI and other United Nations organizations, as well as with the multinational force in Iraq authorized by resolutions 1511 (2003) and 1546 (2004). The UNAMI integrated security structure would consist of four elements, namely, international security staff, protection coordination officers, personal security details and three guard units. Each guard unit would consist of up to 160 armed civilian police, paramilitary or military personnel and have the specific responsibility of controlling access to and conducting patrols within UNAMI premises.

By resolution 1770 (2007) of 10 August 2007, the Council decided that, as circumstances permitted, the Special Representative of the Secretary-General for Iraq and UNAMI, at the request of the Government of Iraq, should (a) advise, support and assist the Government and people of Iraq on advancing their inclusive, political dialogue and national reconciliation; on the development of processes for holding elections and referendums; on constitutional review and the implementation of constitutional

⁶⁰⁴ Resolution 1701 (2006), second preambular paragraph and paras. 11, 12 and 14.

⁶⁰⁵ S/2006/733 and S/2006/734.

⁶⁰⁶ S/2006/670.

⁶⁰⁷ S/2004/625, S/2005/509 and S/2006/601.

⁶⁰⁸ S/2006/609, annex, and S/2007/481, annex.

⁶⁰⁹ Resolutions 1557 (2004), para. 1; 1619 (2005), para. 1; 1700 (2006), para. 1; and 1770 (2007), para. 1.

⁶¹⁰ Resolution 1546 (2004), para. 7.

⁶¹¹ S/2004/764 and S/2004/765.

provisions, as well as on the development of processes acceptable to the Government of Iraq to resolve disputed internal boundaries; on facilitating regional dialogue, including on issues of border security, energy and refugees; on planning, funding and implementing reintegration programmes for former members of illegal armed groups; and on initial planning for the conduct of a comprehensive census; (b) promote, support and facilitate, in coordination with the Government of Iraq, the coordination and delivery of humanitarian assistance and the safe, orderly and voluntary return, as appropriate, of refugees and displaced persons; the implementation of the International Compact with Iraq; the coordination and implementation of programmes to improve Iraq's capacity to provide essential services for its people and continue active donor coordination of critical reconstruction and assistance programmes through the International Reconstruction Fund Facility for Iraq; economic reform, capacity-building and the conditions for sustainable development; the development of effective civil, social and essential services; and the contributions of United Nations agencies, funds and programmes to the objectives outlined in the resolution under the unified leadership of the Secretary-General through his Special Representative for Iraq; and (c) promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq.⁶¹²

⁶¹² Resolution 1770 (2007), para. 2.

Regional offices

1. United Nations Office for West Africa

At the beginning of the period under review, the United Nations Office for West Africa (UNOWA), established in November 2001 by the Secretary-General, continued to carry out the following tasks: (a) enhance linkages in the work of the United Nations and other partners in the subregion, by promoting an integrated subregional approach and facilitating coordination and information exchange, with due regard to specific mandates of United Nations organizations as well as peacekeeping operations and peacebuilding support offices; (b) liaise with and assist, as appropriate, the Economic Community of West African States (ECOWAS) and the Mano River Union, in consultation with other subregional organizations and international partners; (c) carry out good offices roles and special assignments in countries of the subregion, on behalf of the Secretary-General, including in the areas of conflict prevention and peacebuilding efforts; and (d) report to Headquarters on key developments of subregional significance.

Mandate implementation

During the period under review, the mandate of UNOWA was extended twice, by exchanges of letters between the Secretary-General and the President of the Council, for periods of three years, subject to a midterm review in 2006 and 2009, respectively; the last extension was until 31 December 2010.⁶¹³

In an exchange of letters between the Secretary-General and its President in December 2004 and January 2005,⁶¹⁴ the Council took note of the Secretary-General's intention to strengthen UNOWA to enable it to perform its mandate more effectively. UNOWA was entrusted with the overall mandate of enhancing the contribution of the United Nations towards the achievement of peace and security priorities in West Africa. In addition to the original mandate, UNOWA was asked to carry out additional tasks as assigned by the Secretary-General and the Security Council, including providing support to the work of the Cameroon-Nigeria Mixed Commission and follow-up of the relevant recommendations contained

⁶¹³ S/2004/797 and S/2004/858; S/2007/753 and S/2007/754.

⁶¹⁴ S/2004/797 and S/2004/858.

in the report of the Security Council mission to West Africa of June 2004,⁶¹⁵ and of the Council's recommendations on cross-border issues in West Africa.⁶¹⁶ The tasks of UNOWA would include enhancing harmonization of the activities of the various United Nations missions and other regional entities, strengthening cooperation with ECOWAS and other key regional and international partners and working on cross-border issues in the region.⁶¹⁷

In a statement by the President on 25 February 2005, emphasizing the need to pursue security sector reforms aiming at improving civil-military relations in countries emerging from conflict situations and creating a culture of peace and stability and promoting the rule of law, the Council requested UNOWA to further explore with interested Governments and organizations ways in which security sector reforms could be formulated and implemented.⁶¹⁸ The report on the midterm review was submitted to the Council on 18 May 2007.⁶¹⁹

By an exchange of letters between the Secretary-General and the President of the Security Council in November and December 2007,⁶²⁰ the mandate of UNOWA was revised in accordance with three objectives. Under its first objective to enhance capability within West Africa towards a harmonized subregional approach to peace and security, UNOWA was mandated (a) to facilitate systematic and regular linkages in the work of the United Nations in the subregion for defining and harmonizing national and subregional policies and strategies, with due regard to specific mandates of United Nations organizations, as well as peacekeeping operations and peacebuilding support offices;⁶²¹ (b) to liaise with and assist, as

appropriate ECOWAS, the Mano River Union and other key partners in their promotion of peace and stability in the subregion;⁶²² and (c) to perform good offices role in countries of the subregion on conflict prevention and peacebuilding efforts.⁶²³ Under the

tools being used by the United Nations system; (iv) to identify and raise awareness on emerging threats to peace and security, with particular attention will be given to the Sahelian band and fragile States; (v) to identify positive trends and promote activities in consultation with and participation of the private sector, including civil society organizations, to raise awareness of subregional issues and United Nations approaches; (vi) to reinforce cooperation on cross-cutting issues, including the rule of law, economic issues, human rights and gender issues aimed at mainstreaming them in the deliberations/recommendations of joint initiatives with Governments, civil society, the academic and private sectors, and other partners in the region; and (vii) to make use of UNOWA leverage, and political and strategic network to rally international support to subregional efforts and national commitments to tackle cross-cutting threats to human security and subregional peace.

⁶²² Under this function, the activities were (i) to implement and update the joint programme of work developed by UNOWA and the ECOWAS Commission to address selected areas relating to conflict prevention and peacebuilding; (ii) to assist the ECOWAS Commission in the implementation of its comprehensive Strategic Conflict Prevention Framework, as well as the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security; implement subregional action plans, strategies and recommendations formulated with/by ECOWAS and other key partners, including the civil society and the private sector; (iii) to promote awareness of the need to address the protection of children, youth, and women during crises as priority issues in West Africa; (iv) to strengthen cooperation with the International Contact Group for the Mano River Basin; and (v) to strengthen cooperation with international partners, including the European Union (within the agreed framework of ECOWAS/European Union/UNOWA cooperation) and the Bretton Woods institutions, as well as regional partners such as civil society organizations and the private sector.

⁶²³ Under this function, the activities were (i) to identify situations that could generate tension and fuel local, national or cross-border conflicts; (ii) to carry out good offices functions and special assignments in countries of the subregion, on behalf of the Secretary-General; (iii) to facilitate the development of an integrated subregional early warning and monitoring system among the United Nations entities and other regional partners active on peace operations in West Africa; and (iv) to promote an

⁶¹⁵ S/2004/525.

⁶¹⁶ S/PRST/2004/7.

⁶¹⁷ Letter from the Secretary-General dated 14 December 2004 (S/2005/16), annex.

⁶¹⁸ S/PRST/2005/9, para. 11.

⁶¹⁹ S/2007/294, annex.

⁶²⁰ S/2007/753 and S/2007/754.

⁶²¹ Under this function, the activities were (i) to facilitate inter-mission and inter-agency cooperation among United Nations missions in the subregion at the political level, at the military level, and at the expert level; (ii) to hold regular consultations of heads of United Nations regional agencies for West Africa to develop common strategies; (iii) to establish and conduct activities of subregional working groups aiming to foster greater interaction among the various planning and response

second objective to enhance efforts towards addressing cross-border issues, including good governance practices and measures; mainstreaming security sector reform into development strategies; formulating a meaningful, effective and integrated subregional approach that encompasses priorities and concerns related to humanitarian, human rights and gender issues; and curbing corruption, youth unemployment, rapid urbanization, transitional justice and cross-border illicit activities. UNOWA was tasked (a) to promote good governance practices and confidence-building measures, including curbing corruption and improving electoral processes;⁶²⁴ (b) to take an integrated approach to security sector reform as part of economic development strategies;⁶²⁵ (c) to develop and promote better knowledge and awareness of subregional problems confronting West Africa;⁶²⁶ and (d) to

integrated subregional approach by supporting and partnering with ECOWAS and other subregional partners in their conflict prevention and peacebuilding efforts.

⁶²⁴ Under this function, the activities were (i) to undertake regular consultations and contribute to the deepening of civic education aimed at strengthening democratic, transparent and accountable governance in the States of the subregion; (ii) to assist ECOWAS and its member States in their efforts to improve electoral processes through a more robust election-monitoring capacity; (iii) to follow up on implementation of a subregional approach to the greater involvement of women in peace and security issues, within the framework of the implementation of United Nations Security Council resolution 1325 (2000); (iv) to facilitate the identification of practical ways of curbing or minimizing emerging or potential tensions in specific border areas of West Africa, including through the formulation of integrated border strategies; and (v) to assist ECOWAS in the implementation of its initiative on borders as zones of peace.

⁶²⁵ Under this function, the activities were (i) to undertake broad consultations with Governments, and, in particular, security institutions, civil society and development partners on gender, poverty alleviation, human rights and humanitarian mainstreaming in security sector reforms; and (ii) to promote capacity-building of armed and security forces in civic, human rights, humanitarian and gender approaches as part of security sector reforms.

⁶²⁶ Under this function, the activities were (i) to undertake studies, organize forums and seminars and help develop practical and concerted strategies for addressing current and emerging issues, including the subregional dimensions of youth unemployment, fast growing urbanization, security sector reform, transitional justice, the proliferation of small arms and light weapons, drug

strengthen cooperation with the ECOWAS Commission and with representatives of ECOWAS member States at ECOWAS headquarters in Abuja, focusing on governance and development issues.⁶²⁷ Under the final objective to carry out additional tasks assigned by the Secretary-General and the Security Council, it was given the function of facilitating the implementation of the International Court of Justice ruling of 10 October 2002 on the land and maritime boundary dispute between Cameroon and Nigeria.⁶²⁸

2. United Nations Regional Centre for Preventive Diplomacy for Central Asia

and human trafficking, piracy and terrorist threats; (ii) to prepare periodic updates on the subregional impact of conflict situations on sustainable peace and development; and (iii) to develop targeted public information strategies on subregional issues in West Africa, with a focus on human rights and economic governance and their impact on peace and security.

⁶²⁷ Under this function, the activities were (i) to assist ECOWAS in the implementation of its new Strategic Vision for Regional Development, adopted at the ECOWAS Heads of State Summit in Abuja on 15 June 2007, as well as its Protocol on the Free Movement of Persons and on the Right of Residence and Establishment; (ii) to assist ECOWAS in the implementation of its Protocol on Democracy and Good Governance, including through regular working group sessions as well as joint programmes and activities; and (iii) to increase the participation of the public sector, civil society, the academic community and the private sector in ECOWAS-UNOWA joint initiatives and activities addressing governance issues and challenges.

⁶²⁸ Under this function, the activities were (i) to assist the Cameroon-Nigeria Mixed Commission in the implementation of activities related to its mandate, including the demarcation of the land boundary between the two countries; the civilian observation following the peaceful and orderly transfer of authority in the Lake Chad area, along the land boundary and in the Bakassi peninsula; (ii) to assist the follow-up committee in monitoring the implementation of the Greentree Agreement (12 June 2006) on the withdrawal and transfer of authority in the Bakassi peninsula; (iii) to assist the Cameroon-Nigeria Mixed Commission in addressing issues related to the needs of the affected populations in border areas and in the Bakassi peninsula; and (iv) to assist the Cameroon-Nigeria Mixed Commission to make recommendations on confidence-building measures, such as the development of projects to promote joint economic ventures and cross-border cooperation, and the revitalization of the Lake Chad Basin Commission.

Establishment, mandate and composition

In a letter dated 7 May 2007 to the President of the Council,⁶²⁹ the Secretary-General informed the Council of his intention to establish a United Nations Regional Centre for Preventive Diplomacy at Ashgabat at the initiative of the Governments of five Central Asian countries.

The Centre would be established in parallel with the phasing down and closure of the United Nations Tajikistan Office of Peacebuilding with the following functions: (a) to liaise with the Governments of the region and, with their concurrence, with other parties concerned on issues relevant to preventive diplomacy; (b) to monitor and analyse the situation on the ground and to provide the Secretary-General with up-to-date information related to conflict prevention efforts; (c) to maintain contact with the Organization for Security and Cooperation in Europe, the Commonwealth of Independent States, the Shanghai Cooperation Organization and other regional organizations, encourage their peacemaking efforts and initiatives, and facilitate coordination and information exchange with due regard to their specific mandates; (d) to provide a political framework and leadership for the preventive activities of the United Nations country teams in the region and to support the efforts of the Resident Coordinators and those of the United Nations system, including the Bretton Woods institutions, in promoting an integrated approach to preventive development and humanitarian assistance; and (e) to maintain close contact with the United Nations Assistance Mission in Afghanistan to ensure a comprehensive and integrated analysis of the situation in the region.

In a letter from the President of the Council, the Council took note of the intention of the Secretary-General.⁶³⁰

⁶²⁹ S/2007/279.

⁶³⁰ S/2007/280.

G. Peacebuilding Commission

Establishment

By resolution 1645 (2005) of 20 December 2005, the Security Council, acting concurrently with the General Assembly, in accordance with Articles 7, 22 and 29 of the Charter, and with a view to operationalizing the decision of the 2005 World Summit,⁶³¹ decided to establish the Peacebuilding Commission as an intergovernmental advisory body.⁶³² It also decided that the arrangements for the Peacebuilding Commission would be reviewed after five years to ensure that they were appropriate to fulfil the agreed functions of the Commission.⁶³³

Mandate

Pursuant to resolution 1645 (2005), the main purposes of the Peacebuilding Commission were (a) to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery; (b) to focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development; and (c) to provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations, to develop best practices, to help to ensure predictable financing for early recovery activities and to extend the period of attention given by the international community to post-conflict recovery.⁶³⁴ The Council also underlined that in post-conflict situations with which it was actively seized, in particular when there was a United Nations-mandated peacekeeping mission on the ground or under way and given the primary responsibility of the Council for the maintenance of international peace and security in accordance with the Charter, the main purpose of the Commission would be to provide advice to the Council at its request.⁶³⁵

⁶³¹ See General Assembly resolution 60/1.

⁶³² For more information on the relationship of the Security Council with the General Assembly and the Peacebuilding Commission, see chapter VI.

⁶³³ Resolution 1645 (2005), paras. 1 and 27.

⁶³⁴ *Ibid.*, para. 2.

⁶³⁵ *Ibid.*, para. 16.

Composition

By resolution 1645 (2005), the Council decided that the Commission would meet in various configurations and have a standing Organizational Committee, responsible for developing its own rules of procedure and working methods, comprising (a) seven members of the Security Council, including permanent members, selected according to rules and procedures decided by the Council; (b) seven members of the Economic and Social Council, elected from regional groups according to rules and procedures decided by the Council with due consideration to those countries that had experienced post-conflict recovery; (c) five top providers of assessed contributions to United Nations budgets and of voluntary contributions to United Nations funds, programmes and agencies, including a standing peacebuilding fund, that were not among those selected in (a) or (b) above, selected by and from among the 10 top providers, giving due consideration to the size of their contributions, according to a list provided by the Secretary-General, based on the average annual contributions in the previous three calendar years for which statistical data were available; (d) five top providers of military personnel and civilian police to United Nations missions that were not among those selected in (a), (b) or (c) above selected by and from among the 10 top providers, giving due consideration to the size of their contributions, according to a list provided by the Secretary-General, based on the average monthly contributions in the previous three calendar years for which statistical data were available; and (e) seven additional members elected according to rules of procedure decided by the General Assembly, with due consideration to representation from all regional groups in the overall composition of the Committee and to representation from countries that had experienced post-conflict recovery. Members of the Organizational Committee serve for renewable terms of two years, as applicable.⁶³⁶

In accordance with resolution 1645 (2005), country-specific meetings of the Commission, upon the invitation of the Organizational Committee, also included as members representatives of (a) the country under consideration; (b) countries in the region engaged in the post-conflict process and other countries that were involved in relief efforts and/or political dialogue, as well as relevant regional and subregional organizations; (c) the major financial, troop and civilian police

contributors involved in the recovery effort; (d) the senior United Nations representative in the field and other relevant United Nations representatives; and (e) such regional and international financial institutions as might be relevant.⁶³⁷

Mandate implementation

Appointments to the Organizational Committee. By resolution 1646 (2005) of 20 December 2005, the Council decided, pursuant to paragraph 4 (a) of resolution 1645 (2005), that the permanent members listed in Article 23 (1) of the Charter would be members of the Organizational Committee of the Peacebuilding Commission and that, in addition, the Council would select annually two of its elected members to participate in the Organizational Committee. For 2006 and 2007, Denmark and the United Republic of Tanzania, and Panama and South Africa, respectively, were selected as the two members of the Council's elected member category for the Organizational Committee for a term of one year.⁶³⁸

Monitoring and reporting. By resolution 1646 (2005), the Council decided that the annual report referred to in paragraph 15 of resolution 1645 (2005) would also be submitted to the Security Council for an annual debate.⁶³⁹ On 25 July 2007, the Peacebuilding Commission submitted the report on its first session to the Security Council.

Requests for advice on Burundi and Sierra Leone. In a letter dated 21 June 2006 from its President to the Secretary-General, the Council requested the advice of the Peacebuilding Commission, in accordance with paragraph 12 of resolution 1645 (2005), on the situations in Burundi and Sierra Leone, which had expressed their desire to be considered by the Peacebuilding Commission.⁶⁴⁰ In a letter dated 20 December 2006 to the President of the Council, the Chair of the Peacebuilding Commission informed the Council that, following the inclusion of Burundi and Sierra Leone in the Commission's agenda on 23 June 2006, it had held two country-specific meetings on each of those two countries in 2006 and that both countries had made progress.⁶⁴¹ By a letter dated 11 December 2007 to the

⁶³⁷ Ibid., paras. 7-9.

⁶³⁸ See S/2006/25 and S/2007/16.

⁶³⁹ Resolution 1646 (2005), para. 2.

⁶⁴⁰ Not issued as a document of the Council. See PBC/1/OC/2.

⁶⁴¹ S/2006/1050.

⁶³⁶ Ibid., paras. 3, 4 and 6.

Chair of the Peacebuilding Commission, the President of the Council supported the request of the Government of Guinea-Bissau to be placed on the agenda of the Commission and stated that the Council supported that request and invited the Commission to provide advice on the situation in Guinea-Bissau. The Council considered that the advice of the Commission would be particularly useful in the areas of (a) governmental capacity to institute effective oversight and management of national

finances, and comprehensive public sector reform, including effective anti-corruption policies and programmes; (b) action by the national Government and the international community to develop effective, accountable and sustainable security systems and to strengthen the independence of the judiciary and the rule of law, taking account, in particular, of the dangers posed by drug trafficking and organized crime; and (c) ongoing development of democratic accountability and preparations for elections in 2008.⁶⁴²

⁶⁴² S/2007/744.

Part II

Subsidiary organs of the Security Council whose mandate was completed or terminated during the period 2004-2007

| <i>Subsidiary organ</i> | <i>Established by resolution/letter/ exchange of letters</i> | <i>Completion of mandate/termination*</i> |
|--|--|---|
| Peacekeeping operations/political missions | | |
| United Nations Mission in Côte d'Ivoire (MINUCI) | Resolution 1479 (2003) | 4 April 2004 |
| United Nations Office in Burundi (UNOB) | S/26757 | 1 June 2004 |
| United Nations Advance Mission in the Sudan (UNAMIS) | Resolution 1547 (2004) | 24 March 2005 |
| United Nations Mission of Support in East Timor (UNMISSET) | Resolution 1410 (2002) | 20 May 2005 |
| United Nations Observer Mission in Bougainville (UNOMB) | S/2003/1198 and S/2003/1199 | 30 June 2005 |
| United Nations Mission in Sierra Leone (UNAMSIL) | Resolution 1270 (1999) | 31 December 2005 |
| United Nations Office in Timor-Leste (UNOTIL) | Resolution 1599 (2005) | 25 August 2006 |
| United Nations Operation in Burundi (ONUB) | Resolution 1545 (2004) | 31 December 2006 |
| United Nations Tajikistan Office of Peacebuilding (UNTOP) | S/2000/518 and S/2000/519 | 1 June 2007 |
| Other subsidiary organs | | |
| Ad Hoc Committee on Mandate Review | S/2006/354 | 28 December 2007 |
| Informal Working Group on General Issues of Sanctions | S/2000/319 | 21 December 2006 |

| <i>Subsidiary organ</i> | <i>Established by resolution/letter/ exchange of letters</i> | <i>Completion of mandate/termination*</i> |
|--|--|---|
| United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) | Resolution 1284 (1999) | 29 June 2007 |
| Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999 | S/2005/96 and S/2005/97 | 28 September 2005 |

* For details of termination, see the relevant case studies in part I.

Part III

Subsidiary organs of the Security Council proposed but not established

Note

During the period under review, there was one instance in which a subsidiary organ was formally proposed but not created. The proposal was submitted in the form of a draft resolution and related to the situation in Cyprus.⁶⁴³

Proposal submitted at the 4947th meeting of the Council, on 21 April 2004, with respect to the situation in Cyprus

On 16 April 2004, shortly before the holding of two separate but simultaneous referenda in Cyprus on the Comprehensive Settlement of the Cyprus Problem (the “Annan plan”), the Secretary-General submitted a report on his mission of good offices in Cyprus.⁶⁴⁴ In the report, the Secretary-General drew the attention of the Security Council to appendix E of the Annan plan, by which the Council would be requested to, inter alia, establish a new United Nations operation to monitor the implementation of the Comprehensive Settlement. Bearing in mind that the provisions for the new United Nations operation would have to enter into force simultaneously with the Comprehensive Settlement on 29 April, and the need to reassure Cypriots that the Council would be prepared to meet the responsibilities foreseen in the plan, the Secretary-General requested the Council to consider taking action in advance of the referenda of 24 April, while making the entry into force of the plan contingent on the outcome of the referenda.

At its 4947th meeting, on 21 April 2004, the Council considered a draft resolution to that effect, submitted by the United Kingdom and the United States,⁶⁴⁵ by which the Council would have decided, inter alia, to terminate the mandate of the United Nations Peacekeeping Force in Cyprus and to establish a new operation in Cyprus, to be known as the United Nations Settlement Implementation Mission in Cyprus, with responsibilities including monitoring, verification and supervision of the implementation of the Comprehensive Settlement, contingent on the outcome of the 24 April referenda and the entry into force of the Comprehensive Settlement.

The draft resolution was put to the vote and received 14 votes in favour and 1 against (Russian Federation), and was not adopted owing to the negative vote of a permanent member.⁶⁴⁶

⁶⁴³ Instances in which members of the Security 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 were not considered.

⁶⁴⁴ S/2004/302.

⁶⁴⁵ S/2004/313.

⁶⁴⁶ For more details, see chapter VIII, section on the situation in Cyprus. For more information on the United Nations Peacekeeping Force in Cyprus, see part I, sect. F, of the present chapter.

Chapter VI

Relations with other United Nations organs

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Introductory note

This chapter, as in previous volumes, deals with 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 International Court of Justice (part IV); and the Secretariat (part V). During the period under review, no material relating to the Trusteeship Council (part III) required treatment. This chapter does not contain any material relating to the Military Staff Committee, which had been included in previous supplements. The functions of the Military Staff Committee in relation to the Security Council, to the extent that they are governed by Articles 45, 46 and 47 of the Charter, are covered in chapter XI, part V, of the present Supplement.

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 General Assembly of non-permanent members of the Security Council. Section B considers the practice of the General Assembly in making recommendations to the Council under Articles 10 and 11 of the Charter of the United Nations, 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 such matters. 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 Tribunals for the former Yugoslavia and Rwanda, respectively. Section E refers to the annual and special reports submitted by the Council to the General

Assembly. Section F concerns relations between the 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. Section G deals with the Peacebuilding Commission, a subsidiary body, which was established by both the Council and the General Assembly.

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, 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.*

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.

Note

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. At the fifty-ninth, sixtieth and sixty-second sessions, the Assembly elected the five non-permanent members in the course of one plenary meeting. At the sixty-first session, the Assembly elected four non-permanent members at its 32nd plenary meeting and the fifth non-permanent member at its 49th 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 in January of the following year</i> |
|----------------------------------|---|---|
| 59/402 | 32nd 15 October 2004 | Argentina |
| | | Denmark |
| | | Greece |
| | | Japan |
| | | United Republic of Tanzania |
| 60/403 | 29th 10 October 2005 | Congo |
| | | Ghana |
| | | Peru |
| | | Qatar |
| | | Slovakia |
| 61/402 | 32nd 16 October 2006 | Belgium |
| | | Indonesia |
| | | Italy |
| 61/402 | 49th 7 November 2006 | South Africa |
| | | Panama |

| <i>General Assembly decision</i> | <i>Plenary meeting and date of election</i> | <i>Members elected to two-year terms beginning in January of the following year</i> |
|----------------------------------|---|---|
| 62/403 | 26th 16 October 2007 | Burkina Faso |
| | | Costa Rica |
| | | Croatia |
| | | Libyan Arab Jamahiriya |
| | | Viet Nam |
| | | |

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 — in the form of resolutions — to the Security Council regarding the maintenance of international peace and security. Several of those 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 recommendation-making powers of the General Assembly under Articles 10 and 11 (1) of the Charter, respectively. A table of those recommendations is set out below.

In other instances, the General Assembly did not make recommendations to the Security Council with regard to specific questions relating to the maintenance of international peace and security, nor request action from the Council with regard to such questions, in accordance with Article 11 (2) of the Charter.

The General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).

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>Agenda item</i> | <i>Recommendation</i> |
|------------------------------------|--|---|
| 59/45 2 December 2004 | 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 preventive 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. |
| 59/213 20 December 2004 | Cooperation between the United Nations and the African Union | Requests the United Nations system, while acknowledging its primary role in the promotion and maintenance of international peace and security, to intensify its assistance to the African Union, as appropriate, in strengthening the institutional and operational capacity of its Peace and Security Council. |
| 61/296 17 September 2007 | | |
| 59/313 12 September 2005 | A strengthened and revitalized General Assembly | Decides, in the context of further strengthening the role and authority of the General Assembly as set out in the Charter of the United Nations. To invite the Security Council to submit periodically, in accordance with Article 24 of the Charter, special subject-oriented reports to the General Assembly for its consideration on issues of current international concern. To also invite the Security Council to update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly. |

| <i>General Assembly resolution</i> | <i>Agenda item</i> | <i>Recommendation</i> |
|------------------------------------|--|--|
| 59/314 13 September 2005 | Draft outcome document of the High-level Plenary Meeting of the General Assembly of September 2005 | Encourages the Security Council to consider ways to strengthen its monitoring and enforcement role in counter-terrorism, including by consolidating State reporting requirements, taking into account and respecting the different mandates of its counter-terrorism subsidiary bodies. |
| 60/1 16 September 2005 | 2005 World Summit Outcome | <p>Calls upon the Security Council, with the support of the Secretary-General, to improve its monitoring of the implementation and effects of sanctions, to ensure that sanctions are implemented in an accountable manner, to review regularly the results of such monitoring and to develop a mechanism to address special economic problems arising from the application of sanctions in accordance with the Charter.</p> <p>Calls upon the Security Council, with the support of the Secretary-General, to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.</p> <p>Recommends that the Security Council continue to adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.</p> <p>Requests the Security Council to consider the composition, mandate and working methods of the Military Staff Committee.</p> |
| 60/286 8 September 2006 | Revitalization of the General Assembly | <p>Urges the Presidents of the General Assembly, the Security Council and the Economic and Social Council to meet periodically to ensure increased cooperation and coordination of their work programmes in accordance with their respective responsibilities under the Charter; the President of the Assembly shall inform Member States about the outcome of those meetings on a regular basis.</p> <p>Invites the Security Council to further its initiatives to improve the quality of its annual report to the General Assembly, mandated by Article 24, paragraph 3, of the Charter, in order to provide the Assembly with a substantive and analytical report.</p> <p>Invites the Security Council to update the General Assembly on a regular basis on the steps it has taken or is contemplating with respect to improving its reporting to the Assembly.</p> <p>Also invites the Security Council to submit periodically, in accordance with Articles 15 and 24 of the Charter, special subject-oriented reports to the General Assembly for its consideration on issues of current international concern.</p> |
| 62/159 18 December 2007 | Protection of human rights and fundamental freedoms while countering terrorism | Encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Human Rights Council, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism. |

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. Nor 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 did, however, adopt a resolution at its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, which followed the earlier rejection by the Security Council of two draft resolutions on a parallel agenda item. Thus, in effect, the Security Council and the General Assembly 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 are being dealt with by the Security Council” and of matters with which the

Council had ceased to deal.¹ These notifications were 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.² The items in the notifications were the same as those in the summary statements for the relevant period, apart from 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 5564th meeting of the Security Council, held on 9 November 2006 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.³ After the Council’s meeting, by a letter dated 14 November 2006, the representative of Qatar requested, on behalf of the States members of the

¹ 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/59/335 (23 September 2004); A/60/352 (13 September 2005); A/61/371 (13 September 2006); and A/62/300 (23 October 2007)).

² 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”.

³ S/2006/878.

League of Arab States, the resumption of the tenth emergency special session of the General-Assembly;⁴ and by a letter dated 15 November 2006, the representative of Cuba, in his capacity as the Chairman of the Coordinating Bureau of the Non-Aligned Movement, conveyed the support of the Non-Aligned Movement for that request.⁵

At the tenth emergency special session of the General Assembly, on illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory, resumed on 17 November 2006 under the “uniting for peace” formula,⁶ several speakers regretted the failure of the Security Council to uphold its responsibilities owing to the negative vote of a permanent member of the Council.⁷ The representative of Cuba, speaking on behalf of the Non-Aligned Movement, stated that by convening the meeting, the General Assembly was playing the role and exercising the authority inherent in it with regard to issues relating to the maintenance of international peace and security, as set out in Articles 10, 11, 12, 13, 14 and 35 of the Charter of the United Nations.⁸ At the end of the meeting, the General Assembly adopted resolution ES-10/16, which was similar in substance to the draft resolution vetoed in the Security Council, with identical provisions in several paragraphs.

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 of the United Nations 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 that is not a United Nations member may become a party to the Statute of the International Court of Justice (Article 93 (2)).⁹ In addition, the statutes of the Tribunals established for Rwanda and the former Yugoslavia provide for the Security 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).¹⁰

This section considers briefly the Council’s practice during the period under review in relation to the admission of members, the appointment of the Secretary-General, and the election of the judges of the International Tribunal for the Former Yugoslavia and of

⁹ 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 which is a party to the statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the statute (articles 4 (3) and 69 of the statute).

¹⁰ The full titles of the two Tribunals are as follows: (1) 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; and (2) 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 procedure for the election of judges of the two 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 forwards to the President of the Security Council the nominations received. The Security Council then convenes a meeting, in accordance with the understanding reached in its prior consultations, and adopts a resolution establishing the list of candidates for judges. Subsequently, the President of the Security Council formally transmits, by letter, the text of the resolution to the President of the General Assembly. The Assembly then proceeds to elect the judges from the list contained in that resolution.

⁴ A/ES-10/366.

⁵ A/ES-10/367.

⁶ A/ES-10/PV.28.

⁷ *Ibid.*, pp. 2-6 (Observer of Palestine); pp. 11-12 (Cuba, on behalf of the Non-Aligned Movement); pp. 13-14 (Indonesia); pp. 16-17 (Malaysia); and pp. 19-21 (Pakistan); A/ES-10/PV.29, pp. 3-4 (Egypt); and p. 8 (Zimbabwe).

⁸ A/ES-10/PV.28, p. 11.

the International Tribunal for Rwanda. No question 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 recommendations concerning each application for membership together with a record of its discussions of the application.

During the period under review, the Council recommended the admission of one State to membership in the United Nations.¹¹ It made no negative recommendations which would have required submission of a special report to the General Assembly. The Council 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 were held in private, and the Council voted by secret ballot. A communiqué circulated at the end of each meeting, in accordance

¹¹ Montenegro (A/60/902 and resolution 1691 (2006) of 22 June 2006).

with rule 55, 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 5547th meeting, held in private on 9 October 2006, the Security Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. Resolution 1715 (2006), recommending that Mr. Ban Ki-Moon be appointed Secretary-General of the United Nations for a term of office from 1 January 2007 to 31 December 2011, was adopted by acclamation.¹² The nomination was made several months before the expiration of the term in office of the then Secretary-General, Mr. Kofi Annan. By a letter dated 9 October 2006 addressed to the President of the General Assembly,¹³ the President of the Security Council transmitted the recommendation to the President of the General Assembly.¹⁴

3. Election of the judges of the International Tribunal for the Former Yugoslavia and of the International Tribunal for Rwanda

Note

The procedure for the election of judges of the two 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.¹⁵

¹² Resolution 1715 (2006) was adopted by the Security Council at its 5547th (closed) meeting, on 9 October 2006. This was the fourth time a resolution regarding the appointment of the Secretary-General had been adopted by acclamation in the Security Council. For previous instances, see *Repertoire, Supplement 2000-2003*.

¹³ A/61/501.

¹⁴ At the 31st plenary meeting of its sixty-first session, on 31 October 2006, the General Assembly adopted resolution 61/3, by which it appointed Mr. Ban Ki-Moon Secretary-General of the United Nations.

¹⁵ For the text of the statute of the International Tribunal for the Former Yugoslavia, see S/25704, annex, which was adopted in Council resolution 827 (1993) of 25 May 1993. For the text of the statute of the International Tribunal for Rwanda, see Council resolution 955 (1994)

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, by a letter, the text of the resolution to the President of the General Assembly. The Assembly then proceeded to elect the judges from the list contained in that resolution (cases 3 and 4).

Case 3

International Tribunal for the Former Yugoslavia

At its 5057th meeting, on 14 October 2004, the Security Council adopted resolution 1567 (2004) whereby, in accordance with article 13 bis, subparagraph 1 (d), of the statute of the International Tribunal for the Former Yugoslavia, it established a list of 22 candidates, taking due account of the adequate representation of the principal legal systems of the world, from which the General Assembly could elect the 11 judges of the Tribunal. The list was formally conveyed to the President of the General Assembly by a letter dated 14 October 2004 from the President of the Security Council. By a letter of the same date,¹⁶ the President of the Security Council transmitted to the President of the General Assembly the text of resolution 1567 (2004). At its fifty-ninth session, at the 57th plenary meeting, on 18 November 2004, in accordance with article 13 (2) (d) of the statute, the General Assembly elected 14 judges for the Tribunal, that is, those candidates who received the absolute majority of the votes of States Members of the United Nations and of the non-member States maintaining permanent missions at United Nations Headquarters. In accordance with article 13 (4) of the statute, the judges were elected for a term of four years, beginning on 17 November 2005.

Case 4

International Tribunal for Rwanda

As the mandate of 11 permanent judges of the International Tribunal for Rwanda was set to expire in

May 2007, but trials were expected to continue well beyond that time, by identical letters dated 3 May 2006 addressed to the Presidents of both the General Assembly and the Security Council,¹⁷ the Secretary-General transmitted a letter from the President of the Tribunal, Erik Møse, requesting the extension of the term of office for those officials until the end of 2008, the expected deadline for the completion of all the Tribunal's proceedings. The letter noted that all "single-accused" trials in progress were due to be completed between May 2006 and May 2007. New trials would commence as soon as judges and courtroom space became available and would continue well beyond May 2007. However, the statute of the Tribunal for Rwanda did not provide for extending the term of office of the permanent judges. In the absence of such a provision, the approval of the Security Council would be needed to extend the term of office of 11 permanent judges until 31 December 2008.

In response to the request by the Secretary-General and notwithstanding the provisions of article 12 (bis) paragraph 1 (b) of the statute of the International Tribunal for Rwanda, by resolution 1684 (2006) of 13 June 2006, the Security Council decided to extend the term of office of 11 permanent judges of the Tribunal until 31 December 2008. By a letter of the same date,¹⁸ the President of the Security Council transmitted to the President of the General Assembly the text of resolution 1684 (2006).

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.

of 8 November 1994, annex.
¹⁶ A/59/437.

¹⁷ A/60/878-S/2006/349.

¹⁸ A/60/906-S/2006/437.

Note

In accordance with Article 24 (3) of the Charter, the Security Council continued to submit annual reports to the General Assembly.¹⁹ Following an explanatory statement by the Secretariat, each report was adopted, without a vote, at a meeting of the Council.

At its 5769th meeting, on 25 October 2007, the Council adopted its draft annual report to the General Assembly for the period from 1 August 2006 to 31 July 2007. Prior to the adoption of the annual report, the representatives of Slovakia and China made statements. The representative of Slovakia expressed the view that the Council needed to go further and concentrate more on the substance of the report and on key political messages about the important work of the Security Council.²⁰ With regard to the question how to further enhance the quality of the annual report in the future, the representative of China shared the views of the representative of Slovakia, and thought that this question should be one element for consideration during the preparation of the following year's report. He noted that, taking into account past practice and the actual work of each year, and drawing upon the Council's collective wisdom, the Council should be able to find a way to improve its work on the report.²¹

During the period under review, a few communications made explicit references to Article 24 (3), in dealing with the issue of annual and special reports of the Security Council to the General Assembly.²²

¹⁹ Annual reports were adopted by the Security Council at the following public meetings: 59th report (covering the period 1 August 2003 to 31 July 2004), 5044th meeting, 28 September 2004; 60th report (covering the period 1 August 2004 to 31 July 2005), 5262nd meeting, 19 September 2005; 61st report (covering the period 1 August 2005 to 31 July 2006), 5578th meeting, 6 December 2006; 62nd report (covering the period 1 August 2006 to 31 July 2007), 5769th meeting, 25 October 2007; 63rd report (covering the period 1 August 2007 to 31 July 2008), 6007th meeting, 30 October 2008.

²⁰ S/PV.5769, p. 2.

²¹ *Ibid.*, p. 3.

²² See letter dated 1 August 2006 from the representative of Malaysia to the Secretary-General (S/2006/718); and letter dated 19 September 2006 from the representative of Cuba to the Secretary-General (S/2006/780).

During the period covered by this Supplement, the Council did not submit any special reports to the General Assembly — under, for example, rule 60 (3) of the Council's provisional rules of procedure.²³

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 a resolution of the General Assembly, or because the Council has made use of their services or invited their 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. Those subsidiary organs still active included 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; and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.²⁴

All of these organs submitted reports and recommendations to the Security Council and/or the General Assembly. The table at the end of this section lists communications from the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Council.

During the period under consideration, no decision 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

²³ Rule 60 (3) 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".

²⁴ The Committee on the Exercise of the Inalienable Rights of the Palestinian People is a subsidiary organ of the General Assembly.

Committee on the Exercise of the Inalienable Rights of the Palestinian People. References were made, however, to the Special Committee on Peacekeeping Operations in four decisions of the Council (case 5).

On several occasions, during the period under review, invitations to attend Security Council meetings were addressed to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (see table below).²⁵ All 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 of the Council. During the period under consideration, the President of the Security Council attended meetings of two subsidiary organs of the General Assembly (case 6).

²⁵ The participation of the representatives of these organs in meetings of the Security Council is also detailed in chapter III.

| <i>Invitee</i> | <i>Agenda Item</i> | <i>Meeting and date</i> |
|--|--|---|
| Committee on the Exercise of the Inalienable Rights of the Palestinian People (Chairman/Acting Chairman) | The situation in the Middle East, including the Palestinian question | 4929, 23 March 2004 |
| | | 4945, 19 April 2004 |
| | | 5049, 4 October 2004 |
| | | 5230 and Resumption 1, 21 July 2005 |
| | | 5404, 30 March 2006 |
| | | 5411, 17 April 2006 |
| | | 5481, 30 June 2006 |
| | | 5493 and Resumption 1, 21 July 2006 |
| | | 5564 and Resumption 1, 9 November 2006 |
| | | 5629 and Resumption 1, 13 February 2007 |

Case 5

In a presidential statement dated 31 May 2005 in connection with the item entitled “United Nations peacekeeping operations”,²⁶ and a presidential statement dated 27 October 2005 in connection with the item entitled “Women and peace and security”,²⁷ the Council welcomed the comprehensive report on sexual exploitation and abuse by United Nations peacekeeping personnel,²⁸ prepared by the Advisor to

the Secretary-General on this issue, and welcomed the report of the Special Committee on Peacekeeping Operations on its resumed session of 2005.²⁹ It also urged the Secretary-General and troop-contributing countries to ensure that the recommendations of the Special Committee which fell within their respective responsibilities were implemented without delay.

By resolution 1674 (2006) of 28 April 2006, in connection with the item entitled “Protection of civilians in armed conflict”, the Council, while condemning all acts of sexual exploitation, abuse and

²⁶ S/PRST/2005/21.

²⁷ S/PRST/2005/52.

²⁸ A/59/710.

²⁹ A/59/19/Rev.1.

trafficking of women and children by military, police and civilian personnel involved in United Nations operations and welcoming the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy, requested the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat those abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based upon the recommendations in the report of the Special Committee on Peacekeeping Operations.²⁹

By a presidential statement dated 26 October 2006 in connection with the item entitled “Women and peace and security”,³⁰ while reiterating its condemnation of all acts of sexual misconduct by all categories of personnel in United Nations peacekeeping missions, the Council urged the Secretary-General and troop-contributing countries to ensure the full implementation of the recommendations of the Special Committee on Peacekeeping Operations.³¹

Case 6

During the period under consideration, the President of the Security Council attended the meetings of two subsidiary organs of the General Assembly.

³⁰ S/PRST/2006/42.

³¹ A/60/19.

By a letter dated 9 August 2004 addressed to the President of the Security Council,³² the representative of Pakistan transmitted the assessment of its presidency during the month of May 2004, in which it was noted that, at the invitation of the President of the General Assembly, on 14 May, the President of the Council and three Council members (Brazil, France and Romania) participated in an interactive session of the Open-ended Working Group of the General Assembly on matters relating to Security Council reform.

On 29 November 2004, the President of the Security Council made a statement at a meeting of the Committee on the Exercise of Inalienable Rights of the Palestinian People, in observance of the International Day of Solidarity with the Palestinian People.³³ Conversely, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in several meetings of the Council.³⁴

³² S/2004/614.

³³ See A/AC.183/PV.283. 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 (See A/AC.183/PV.290; A/AC.183/PV.298; A/AC.183/PV.306).

³⁴ The participation of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People is detailed in chapter III.

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/2004/203 | 12 March 2004 | Letter dated 12 March 2004 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 |

| <i>Document Symbol</i> | <i>Date</i> | <i>Subject</i> |
|------------------------|----------------|--|
| S/2005/178 | 15 March 2005 | Letter dated 15 March 2005 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/2005/262 | 20 April 2005 | Letter dated 20 April 2005 from the Chairman expressing the Committee's concern at Israel's recent activities aimed at expanding its settlements in the Occupied Palestinian Territory |
| S/2005/556 | 30 August 2005 | Letter dated 30 August 2005 from the Chairman, expressing the Committee's concern at the decisions by the Government of Israel to expand and consolidate its settlements in the West Bank |
| S/2006/208 | 30 March 2006 | Letter dated 30 March 2006 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/2007/305 | 22 May 2007 | Letter dated 22 May 2007 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 |

G. Peacebuilding Commission

Note

During the period under review, in accordance with Articles 7, 22 and 29 of the Charter, the Peacebuilding Commission was established as a subsidiary body of the Security Council and the General Assembly, by resolutions adopted concurrently by the two organs on 20 December 2005.³⁵ The main purpose of the Peacebuilding Commission was to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery.

The present section describes the decisions and deliberations of the Security Council that reflect on the Council's relations with the General Assembly and the Economic and Social Council within the context of the Peacebuilding Commission.

³⁵ Resolutions 1645 (2006) and 60/180 respectively.

1. Decisions of the Council relating to the Peacebuilding Commission

By resolution 1645 (2006), reaffirming the respective responsibilities and functions of the organs of the United Nations as defined in the Charter and the need to enhance coordination among them, and acting concurrently with the General Assembly, the Security Council established the Peacebuilding Commission as an intergovernmental advisory body.³⁶ By the same resolution, the Council decided that the Commission would have a standing Organizational Committee, responsible for developing its own rules of procedure and working methods, comprising, inter alia, (a) seven members of the Security Council, including permanent members, selected according to rules and procedures decided by the Council; (b) seven members of the Economic and Social Council, elected from regional groups according to rules and procedures decided by the Council; and (c) seven additional members elected according to rules and procedures decided by the

³⁶ Resolution 1645 (2006), eighth preambular paragraph.

General Assembly.³⁷ The members of the Organizational Committee were to serve for renewable terms of two years. It further decided that the Organizational Committee would decide the agenda of the Commission based on requests for advice from the Security Council, the Secretary-General, and from the Economic and Social Council or the General Assembly with the consent of the concerned Member State on the verge of lapsing or relapsing into conflict and with which the Council was not seized in accordance with Article 12 of the Charter.³⁸ The Council underlined that the advice of the Commission to provide sustained attention as countries moved from transitional recovery towards development would be of particular relevance to the Economic and Social Council, bearing in mind its role as a principal body for issues of economic and social development.³⁹ Furthermore, in paragraph 15 of the resolution, the Council noted that the Commission would submit an annual report to the General Assembly and that the General Assembly would hold a debate to review the report.

By resolution 1646 (2005) of 20 December 2005, the Security Council decided that, pursuant to paragraph 4 (a) of resolution 1645 (2005), the Council's permanent members would be members of the Organizational Committee of the Peacebuilding Commission and that the Council would select annually two of its elected members to participate in that Committee.⁴⁰ Furthermore, it decided that the report mentioned in paragraph 15 of resolution 1645 (2005), should also be submitted to the Security Council for an annual debate.⁴¹

In a statement of the President dated 8 January 2007, the Council emphasized the importance of post-conflict peacebuilding to assist countries emerging from conflict in laying the foundation for sustainable peace and development and, in that context, welcomed the establishment of the Peacebuilding Commission which should play an important role to achieve the objective of improving United Nations capacity to coordinate with regional organizations, countries in the relevant regions, donors, troop contributors and recipient countries and to perform peacebuilding activities, in particular from the start of peacekeeping operations through stabilization, reconstruction and development. The Council

appreciated the progress made thus far in the initial work of the Commission on Burundi and Sierra Leone.⁴²

In several other instances relating to countries emerging from conflict, the Council in its decisions welcomed the role of the Peacebuilding Commission,⁴³ encouraged the concerned government to continue its close engagement with the Peacebuilding Commission,⁴⁴ and took note of a request by a concerned government for its country to be placed on the agenda of the Peacebuilding Commission.⁴⁵

⁴² S/PRST/2007/1.

⁴³ In connection with the situation in Burundi: By a statement of the President dated 30 May 2007, the Council welcomed the briefing by the Chair of the Organizational Committee of the Peacebuilding Commission on its activities relating to Burundi and, in that context, encouraged the Government of Burundi and the United Nations Integrated Office in Burundi to work closely with all stakeholders in order to devise a sound strategic framework to foster the commitment of the Government and all its partners to the priorities for consolidating peace in Burundi (S/PRST/2007/16). By resolution 1791 (2007) of 19 December 2007, the Council took note of the briefing of the Chairman of the Burundi configuration of the Peacebuilding Commission on 6 December 2007, welcomed the Peacebuilding Commission's close engagement on Burundi, including the finalization with the Government of Burundi of the Strategic Framework for Peacebuilding and the adoption of the Monitoring and Tracking Mechanism, and looked forward to its implementation in the same spirit of partnership (sixth preambular paragraph).

⁴⁴ In connection with the situation in Sierra Leone: Taking note of the country-specific meetings of the Peacebuilding Commission held on 12 October and 13 December 2006, at which the Commission discussed four priority areas for peacebuilding efforts in Sierra Leone, by resolution 1734 (2006) of 22 December 2006, the Council encouraged the Government to continue its close engagement with the Peacebuilding Commission and international donors to continue to provide support to the Government (seventh preambular paragraph and para. 6). Emphasizing that the Government of Sierra Leone bore the primary responsibility for peacebuilding, security and long-term development in the country, by resolution 1793 (2007) of 31 December 2007, the Council encouraged the Government of Sierra Leone to continue its close engagement with the Peacebuilding Commission, including through the regular monitoring of progress in the implementation of the Sierra Leone Peacebuilding Cooperation Framework, and international donors to continue to provide support to the Government (para. 6).

⁴⁵ In connection with the situation in Guinea-Bissau: By a

³⁷ *Ibid.*, para. 4.

³⁸ *Ibid.*, para. 12.

³⁹ *Ibid.*, para. 17.

⁴⁰ Resolution 1646 (2005), para. 1.

⁴¹ *Ibid.*, para. 2.

In other instances during its thematic debates, the Council specifically referred to the role of the Peacebuilding Commission in post-conflict countries, and underlined the importance of the Peacebuilding Commission to assist countries emerging from conflict. The Council emphasized the important role that the Peacebuilding Commission could play in ensuring continuous international support to countries emerging from conflict. For example, in connection with the situation in the Great Lakes region, by resolution 1653 (2006) of 27 January 2006, the Council welcomed the establishment of the Peacebuilding Commission and underlined its potential importance to the work of the Council in that region.⁴⁶ In connection with the agenda items entitled: “Strengthening international law: rule of law and maintenance of international peace and security”;⁴⁷ “Peace consolidation in West Africa”;⁴⁸ “Threats to international peace and security”;⁴⁹

statement of the President dated 24 October 2007, the Council took note of the letter from the Prime Minister of Guinea-Bissau requesting that his country be placed on the agenda of the Peacebuilding Commission, and expressed its intent to consider the request as a matter of priority (S/PRST/2007/38).

⁴⁶ Resolution 1653 (2006), para.18.

⁴⁷ By a statement of the President dated 22 June 2006, the Council attached vital importance to promoting justice and the rule of law, including respect for human rights, as an indispensable element for lasting peace. In that regard, the Council considered enhancement of the rule of law activities as crucial in the peacebuilding strategies in post-conflict societies and emphasized the role of the Peacebuilding Commission (S/PRST/2006/28).

⁴⁸ By a statement of the President dated 9 August 2006, the Council underscored the importance and the role of the Peacebuilding Commission in assisting countries emerging from conflict to achieve sustainable peace and stability (S/PRST/2006/38).

⁴⁹ By a statement of the President dated 8 January 2007, the Council emphasized the importance of post-conflict peacebuilding to assist countries emerging from conflict in laying the foundation for sustainable peace and development. In that context, it welcomed the establishment of the Peacebuilding Commission that would play an important role to achieve the objective of improving United Nations capacity to coordinate with regional organizations, countries in the relevant regions, donors, troop contributors and recipient countries. Furthermore, the Council underlined the importance of close interaction between the two bodies and emphasized that it would regularly address the work of the Commission in its own discussions and would take into account the advice of the Peacebuilding Commission

“Maintenance of international peace and security: role of the Security Council in supporting security sector reform”;⁵⁰ “Cooperation between the United Nations and regional organizations in maintaining international peace and security”;⁵¹ “Women and peace and security”;⁵² “The role of regional and subregional organizations in the maintenance of international peace and security”;⁵³ and “Maintenance of international peace and security”⁵⁴ the Council specifically referred to the role of the Peacebuilding Commission.

(S/PRST/2007/1).

⁵⁰ By a statement of the President dated 21 February 2007, the Council took note of the work already carried out by the Peacebuilding Commission concerning Burundi and Sierra Leone, and requested it to continue advising the Council on the issue of security sector reform in the framework of its activities related to those countries. Furthermore, the Council requested the Peacebuilding Commission to include consideration of security sector reform programmes in designing integrated peacebuilding strategies for its continued engagement with those countries, with a view to developing best practices regarding comprehensive, coherent, and nationally owned security sector reform programmes (S/PRST/2007/3).

⁵¹ By a statement of the President dated 20 September 2006, the Council welcomed the intent of many regional and subregional organizations to be closely associated with the work of the Peacebuilding Commission and committed to facilitating their participation, as relevant, in the country-specific activities of the Commission (S/PRST/2006/39).

⁵² By a statement of the President dated 26 October 2006, the Council welcomed the role that the Peacebuilding Commission could play in mainstreaming gender perspectives into the peace consolidation process. In that context, the Council welcomed in particular the Chairman’s summaries at its country-specific meetings on Sierra Leone and Burundi on 12 and 13 October 2006 (S/PRST/2006/42).

⁵³ By a statement of the President dated 6 November 2007, the Council recognized the Peacebuilding Commission, in its area of competence, as a forum for coordination in the area of post-conflict between the United Nations system and regional and subregional organizations, in accordance with its resolution 1645 (2005) and General Assembly resolution 60/180 (S/PRST/2007/42).

⁵⁴ By a statement of the President dated 25 June 2007, the Council acknowledged the crucial role that the Peacebuilding Commission, together with other United Nations and non-United Nations actors, could play, in post-conflict situations, in assisting Governments, upon their request, in ensuring that natural resources become an engine for sustainable development (S/PRST/2007/22).

2. Discussion arising in connection with the Peacebuilding Commission

During the period under review, the Council met twice to consider the item entitled “Post-conflict peacebuilding”. Several issues, notably, the composition of the Peacebuilding Commission and the importance of effective interaction between the Peacebuilding Commission, the Security Council and other United Nations organs were stressed during the debates of the Council.

(a) Questions regarding the composition of the Peacebuilding Commission

At the 5335th meeting of the Council, on 20 December 2005, speaking after the adoption of resolutions 1645 (2005) and 1646 (2005), the representative of Brazil stated that he firmly supported the Commission’s establishment to fill the institutional gap between action to keep peace and the activities required to consolidate and sustain peace. He further stated that his delegation had voted in favour of resolution 1645 (2006) in support of the aspirations of developing countries in post-conflict situations which would benefit from greater coordination and from the availability of resources in peacebuilding activities. He recognized that, in accordance with the Charter, the primary responsibility for questions pertaining to international peace and security rested with the Security Council. However, he emphasized that, when peacebuilding activities came into play, a greater role for the Economic and Social Council should have been provided for in the resolution, especially given the efforts towards a reformed and active Economic and Social Council. Furthermore, he noted that the new Commission should have been able to determine its own agenda and provide advice to any organ of the Organization, and it should not operate as a subsidiary body of the Security Council. He further stated that paragraph 4 of the resolution was aimed at correcting geographical imbalances, but the composition should be subjected to a rotation and no permanent membership should be established.⁵⁵ Supported by the representatives of Argentina and Algeria, the representative of Brazil objected to the inclusion of Council members in the composition of the Peacebuilding Commission and stated that his delegation had abstained in the voting on resolution

⁵⁵ S/PV.5335, p. 2.

1646 (2005), because it departed from principles agreed upon concurrently by the General Assembly and the Security Council in resolution 1645 (2005) on the establishment of the Peacebuilding Commission.⁵⁶ The representative of Argentina stated that his delegation could not support the inclusion of members of the Security Council in the composition of the Peacebuilding Commission.⁵⁷ The representative of Algeria noted that resolution 1646 (2005) was hardly in line with resolution 1645 (2006), especially with regard to the representation of members of the Security Council in the Peacebuilding Commission.⁵⁸

(b) Importance of an effective interaction between the Peacebuilding Commission, the Security Council and other United Nations organs

At the 5627th meeting of the Security Council, on 31 January 2007, the President of the Economic and Social Council emphasized that there was a strong correlation between low levels of development and violent conflict. Therefore more focused efforts should be made to advance and oversee the implementation of mutually agreed goals, including the Millennium Development Goals, and the Economic and Social Council was ready to assist the Peacebuilding Commission in ensuring this. Furthermore, he indicated that there were many perspectives that the Economic and Social Council could share with the Peacebuilding Commission, and that, through increased interaction and readiness to share relevant experience, it could contribute to strengthening the value added by the Peacebuilding Commission. In that respect, the Economic and Social Council was ready to share its lessons learned, especially given that the pioneering work of its ad hoc advisory groups on countries emerging from conflict was, in a way, a forerunner to the Peacebuilding Commission.⁵⁹

The Chairman of the Organizational Committee of the Peacebuilding Commission underlined that the Commission was the Security Council’s body, and it would perform only in accordance with the means that the Council and the international community put at its

⁵⁶ Ibid., p. 2 (Brazil), p. 3 (Argentina); and p. 3 (Algeria).

⁵⁷ Ibid., p. 3.

⁵⁸ Ibid., p. 3.

⁵⁹ S/PV.5627, pp. 3-4.

disposal in order to meet the high expectations of the populations of countries emerging from conflict.⁶⁰

The Assistant Secretary-General for Peacebuilding Support emphasized that the links between the Commission and the Security Council, the General Assembly and the Economic and Social Council were critical in order to address the critical and fragile period in the life of a country ravaged by conflict. In that context, the Peacebuilding Commission could fulfil its mandate to advise on and propose integrated strategies for peacebuilding and to identify critical elements of peacebuilding in the countries under its consideration, bringing them together under an integrated strategic approach.⁶¹

The representative of Ghana stated that, indeed, the Peacebuilding Commission offered a unique opportunity to test the efficacy of the growing preference for an integrated approach to United Nations missions and, probably, to point the way towards improved foreign aid management.⁶²

A few speakers highlighted the importance of effective interaction between the Peacebuilding Commission, the Security Council, and other organs of the United Nations. The representative of France emphasized that it was vital that flexible and effective interaction between the Commission and the Security Council be developed in practice. He hoped that the Council would regularly consider the work of the Peacebuilding Commission, and that the General Assembly and the Economic and Social Council would devote particular attention to the new body's work, as provided for in the resolutions that established the Commission. He stated that by making it possible to identify goals and priorities shared by all actors and to coordinate their activities in accordance with a timetable for intervention that was robust but adapted to immediate priorities, the Peacebuilding Commission could become an essential instrument for setting countries emerging from crisis firmly on the path to peace and sustainable development.⁶³ The representative of China noted that the coordination among the General Assembly, the Security Council and the Economic and Social Council, according to their respective mandates, played an important role in

peacebuilding. He stated that the relationship between them should be complementary rather than competitive and should enable them to capitalize on their respective comparative advantages.⁶⁴

At the same meeting, several delegations⁶⁵ supported the idea of arranging regular meetings between the Chairmen of the Peacebuilding Commission and the Presidents of the Council and other relevant organs. The representative of France said that, as the Peacebuilding Commission began to meet more regularly, the Council should seek to fully integrate in its work the results of the new body's efforts. He noted that the Council ought to be able to share in the added value that the Commission should bring to its collective effort to promote peace and security.⁶⁶ The representative of the Russian Federation underlined that particular attention had to be given to enhancing cooperation between the Commission and the Council, and stressed that it was important to establish a timely exchange of information and show a clear division of labour.⁶⁷ After receiving reports from the Peacebuilding Commission, the representative of Japan suggested that the Council consider issuing its reaction in the form of a presidential statement or another form of statement to encourage further interaction in the process of formulating and implementing an integrated strategy.⁶⁸ The representative of the United Kingdom considered that the Council could establish an effective working relationship with the Peacebuilding Commission in three key areas, namely, the Council could seek the Commission's advice before a mandate renewal or the establishment of a new peacekeeping operation; the Council could receive such advice and act on it appropriately; and the Commission could provide early warning of impending conflict or relapse.⁶⁹ The representative of Slovakia noted that this was an important and timely opportunity to explore ways and mechanisms for interaction between the Council and the Peacebuilding Commission in order to strengthen the synergy of efforts aimed at helping post-conflict countries to manage the difficult transition from war to peace. He shared the view that the Commission should

⁶⁰ Ibid., pp. 4-5.

⁶¹ Ibid., pp. 5-6.

⁶² Ibid., p. 25.

⁶³ Ibid., pp. 14-15.

⁶⁴ Ibid., p. 28.

⁶⁵ Ibid., p. 15 (France); p. 16 (Belgium); p. 31 (Germany); and S/PV.5627 (Resumption 1), pp. 4-5 (Japan).

⁶⁶ S/PV.5627, p. 15.

⁶⁷ Ibid., p. 29.

⁶⁸ S/PV.5627 (Resumption 1), p. 5

⁶⁹ S/PV.5627, pp. 21-23.

be used as a source of advice on peacebuilding strategies and mandates.⁷⁰

At its 5761st meeting, on 17 October 2007, the Council considered the first report of the Peacebuilding Commission on its first session.⁷¹ With regard to the development of working methods, the Chairman referred to the provisions of the Security Council and General Assembly resolutions dealing with the

Commission's rules of procedure. He noted that the Commission recognized the need to continue to develop its provisional rules of procedure in the light of the evolving practical work of the Commission. On its operational relationships with other bodies, he noted that the Commission still had to identify how best to engage with the Security Council, the General Assembly and the Economic and Social Council, and the most appropriate mechanisms for providing advice and follow-up. Further consideration should be given as to how the Commission could enhance its cooperation with other United Nations intergovernmental bodies. In that regard, periodic interaction between the Commission and the General Assembly, the Security Council and the Economic and Social Council would be useful. Such strengthened relations would also contribute to enhancing the visibility of the Commission's work and improving coordination among the bodies.⁷²

⁷⁰ Ibid., pp. 20-21.

⁷¹ A/62/137-S/2007/458.

⁷² Ibid., paras. 42 and 48.

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 concerns decisions of the Council which contain reference to either Article 65 of the Charter of the United Nations or the Economic and Social Council. Section B concerns deliberations (cases 7-14) of the Security 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.

A. Requests or references to the Economic and Social Council in decisions of the Security Council

During the period under consideration, the Security Council did not formally address a request for information or assistance to the Economic and Social Council. In its decisions, however, the Council made one explicit reference to Article 65 of

the United Nations Charter.⁷³ In several other decisions, in the context of different agenda items, the Council made reference to the Economic and Social Council (see tables in subsections 1 and 2 below).

1. Resolutions containing references to the Economic and Social Council

| <i>Resolution</i> | <i>Situation</i> | <i>Relevant provisions</i> |
|-------------------|---|--|
| 1576 (2004) | The question concerning Haiti | Welcoming the establishment of the Core Group on Haiti and the Ad Hoc Advisory Group on Haiti of the Economic and Social Council (fifth preambular paragraph) |
| 1625 (2005) | Threats to international peace and security | Affirms its determination to strengthen United Nations conflict prevention capacities by requesting, as necessary and appropriate, information and assistance from the Economic and Social Council in accordance with Article 65 of the Charter (para. 2 (e)) |
| 1645 (2005) | Post-conflict peacebuilding | Decides that the Organizational Committee shall, giving due consideration to maintaining a balance in addressing situations in countries in different regions in accordance with the main purposes of the Commission as stipulated above, establish the agenda of the Commission based on the following: Requests for advice from the Economic and Social Council or the General Assembly with the consent of a concerned Member State in exceptional circumstances on the verge of lapsing or relapsing into conflict and with which the Security Council is not seized in accordance with Article 12 of the Charter (para. 12 (b)) Also underlines that the advice of the Commission to provide sustained attention as countries move from transitional recovery towards development will be of particular relevance to the Economic and Social Council, bearing in mind its role as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development (para. 17) |

⁷³ Resolution 1625 (2005), para. 2.

2. Presidential statements containing references to the Economic and Social Council

| <i>Statement</i> | <i>Situation</i> | <i>Relevant provisions</i> |
|------------------|--------------------------------|---|
| S/PRST/2004/20 | The situation in Guinea-Bissau | The Council also commends the efforts by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau aimed at assisting the country to address both its short-term post-conflict crisis and longer-term development goals |
| S/PRST/2004/40 | Women and peace and security | The Council recognizes that significant progress has been made in the implementation of resolution 1325 (2000) in certain areas of the United Nations peace and security work. The Council expresses its readiness to further promote the implementation of this resolution, and in particular through active cooperation with the Economic and Social Council and the General Assembly |
| S/PRST/2005/1 | The question concerning Haiti | The Council expresses its intention to organize a mission to Haiti before 1 June 2005, possibly in conjunction with a mission of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council |
| S/PRST/2005/20 | Post-conflict peacebuilding | The Council underlines the fact that, for countries emerging from conflict, significant international assistance for economic and social rehabilitation and reconstruction is indispensable. In this regard, the Council acknowledges the role the Economic and Social Council plays, including in sustainable development, and reiterates its willingness to improve cooperation with United Nations bodies and organs directly concerned with peacebuilding |
| S/PRST/2005/39 | The situation in Guinea-Bissau | The Council therefore welcomes the decision taken by the Economic and Social Council on 26 July 2005 to extend the mandate of the Ad Hoc Advisory Group on Guinea-Bissau, and commends the Advisory Group for its work |

B. Constitutional discussion arising in connection with the Economic and Social Council

Note

The issue of the 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. Frequently emphasized was the idea of closer cooperation and collaboration between the Council and the Economic and Social Council and other United Nations organs, particularly in addressing the challenges of peacebuilding in countries emerging from conflict, and in addressing the transition from post-conflict peacebuilding to development. The roles of the Security Council and the Economic and Social Council within the Peacebuilding Commission also re-established the relationship between the two bodies.⁷⁴

The work of the Ad Hoc Advisory Groups on Guinea-Bissau and Haiti of the Economic and Social Council played an important role in the work of the Security

⁷⁴ For the mandate and composition of the Peacebuilding Commission, see part I, section G, above. The Commission has a standing Organizational Committee which consists of 31 members.

Council Ad Hoc Working Group, as it linked both Councils to areas pertaining to peace and development. In its resolution 2004/59, the Economic and Social Council commended the ad hoc advisory groups on African countries emerging from conflict for their work and made several recommendations to enhance their effectiveness, including more interaction between the Economic and Social Council and the Security Council.

During the period under consideration, the interaction between the two Councils increased significantly, notably with the participation of the President of the Economic and Social Council in the meetings of the Security Council (see table).

| <i>Invitee</i> | <i>Agenda item</i> | <i>Meeting</i> | <i>Date</i> |
|---|--|----------------|------------------|
| Ms. Marjatta Rasi, President of the Economic and Social Council | The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding | 4943 | 15 April 2004 |
| | Complex crises and United Nations response | 4980 | 28 May 2004 |
| | Role of civil society in post-conflict peacebuilding | 4993 | 22 June 2004 |
| Mr. Dumisani Kumalo, Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau | Security Council mission | 5005 | 16 July 2004 |
| Mr. Ali Hachani, President of the Economic and Social Council | The question concerning Haiti | 5397 | 27 March 2006 |
| Mr. Dalius Čekuolis, President of the Economic and Social Council | Post-conflict peacebuilding | 5627 | 31 January 2007 |
| | The maintenance of international peace and security: role of the Security Council in supporting security sector reform | 5632 | 20 February 2007 |
| | Maintenance of international peace and security | 5705 | 25 June 2007 |

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. While the Security Council was undertaking a mission to West Africa from 22 to 28 June 2004, the mission was joined in Guinea-Bissau by the Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau on 27 and 28 June 2004.⁷⁵

⁷⁵ See S/2004/491 for the terms of reference of the Security

Secondly, the Security Council mission to Haiti was held in conjunction with the mission of the Economic and Social Council Ad Hoc Advisory Group on Haiti from 13 to 16 April 2005.⁷⁶ The mission was

Council mission to West Africa.

⁷⁶ See S/2005/220 for the terms of reference of the Ad Hoc Advisory Group mission and S/2005/235 for the composition of the mission.

mentioned in the presidential statement of 12 January 2005.⁷⁷

In several instances during the debates, speakers explicitly referred to Article 65 of the Charter, and encouraged greater use of the provision.⁷⁸ This is reflected in the case studies below:

The case studies below each address a different issue 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 include the Council's involvement with the Economic and Social Council in countries emerging from conflict, such as Guinea-Bissau (case 7) and Haiti (case 8). Particularly evident is the evolving practice of the Council to encourage the involvement of the Economic and Social Council in thematic issues, such as children and armed conflict (case 9), complex crises and United Nations response (case 10), maintenance of international peace and security (case 11), post-conflict peacebuilding (case 12), protection of civilians in armed conflict (case 13) and women and peace and security (case 14).

Case 7

The situation in Guinea-Bissau

In the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, it was highlighted that in order to support the country in the implementation of the emergency economic management plan, a special multidonor emergency economic management fund for Guinea-Bissau, initiated by the Ad Hoc Advisory Group on Guinea-Bissau,⁷⁹ had been set up.⁸⁰ Furthermore, the Secretary-General commended the work undertaken by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends

of Guinea-Bissau, and emphasized that their combined efforts had played a significant role in energizing the United Nations system to assist the country in addressing both its short-term post-conflict crisis and longer-term development goals. He stressed that the emergency economic management fund established as a result of those efforts was a useful instrument in channelling financial assistance to the country.⁸¹

At the 4992nd meeting, on 18 June 2004, in connection with the situation in Guinea-Bissau, the President of the Security Council made a statement on behalf of the Council, in which the Council commended the efforts by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, the Ad Hoc Advisory Group on Guinea-Bissau and the Group of Friends of Guinea-Bissau aimed at assisting the country to address both its short-term post-conflict crisis and longer-term development goals.⁸²

By a letter dated 2 November 2004 addressed to the President of the Council,⁸³ the President of the Economic and Social Council brought to the attention of the Council developments concerning the ad hoc advisory groups on African countries emerging from conflict, and drew the Council's attention to the latest report concerning Guinea-Bissau.⁸⁴ He emphasized that the joint mission to Guinea-Bissau of the Council and the Ad Hoc Advisory Group in June 2004 was another step forward in the United Nations endeavour to address post-conflict situations in a comprehensive manner.

In his report on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, dated 15 December 2004,⁸⁵ the Secretary-General noted that the emergency economic management fund, which had been providing financing for critical social needs and for the minimum functioning of the State in priority sectors, had been depleted and would cease to be operational by the end of the year. He also welcomed the constructive efforts of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, the Ad Hoc Advisory Group on Guinea-Bissau and the Group of Friends of Guinea-Bissau and their active

⁷⁷ S/PRST/2005/1.

⁷⁸ See S/PV.5294 (Brazil); S/PV.5129 (Argentina); S/PV.5156 (Brazil); S/PV.5705 (President of the Economic and Social Council); S/PV.5735 (Indonesia); S/PV.4980 (Spain); S/PV.4903 (Brazil); S/PV.5041 (Brazil); and S/PV.5187 (Argentina).

⁷⁹ Established by the Economic and Social Council on 25 October 2002 (see E/2004/304).

⁸⁰ S/2004/456, para. 21.

⁸¹ *Ibid.*, para. 31.

⁸² S/PRST/2004/20.

⁸³ S/2004/898.

⁸⁴ E/2004/10.

⁸⁵ S/2004/969.

role in energizing Guinea-Bissau's partners to assist the country in addressing its short-term post-conflict and longer-term development objectives.

At the 5248th meeting, on 19 August 2005, the President of the Council made a statement on behalf of the Council,⁸⁶ in which the Council welcomed the decision taken by the Economic and Social Council on 26 July 2005 to extend the mandate of the Ad Hoc Advisory Group on Guinea-Bissau, and commended the group for its work.

In his report on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country dated 16 March 2005, the Secretary-General welcomed the extension of the mandate of the Ad Hoc Advisory Group on Guinea-Bissau and trusted that it would continue to play the constructive role it had played to date in supporting the country to address its pressing short-term and longer-term development goals and in the mobilization of international support for Guinea-Bissau.⁸⁷

Case 8

The question concerning Haiti

At its 5090th meeting, on 29 November 2004, the Council adopted resolution 1576 (2004), in which it underlined the fact that political reconciliation and economic reconstruction efforts remained key to the stability and security of Haiti, and welcomed the establishment of the Core Group on Haiti and the Ad Hoc Advisory Group on Haiti of the Economic and Social Council.⁸⁸

At the 5110th meeting, on 12 January 2005, the representative of Brazil asserted that the international community had to combine various immediate impact projects so as to restore the hope of the poor and unemployed, with the assistance of Haitian institutions, which could also facilitate the planning of a long-term strategy. The representative emphasized that he was convinced that, working jointly with the Security Council, the Economic and Social Council and its Ad Hoc Advisory Group on Haiti would make an important contribution to those goals. He noted that his

delegation had long been promoting, under Article 65 of the Charter, closer cooperation between the Economic and Social Council and the Security Council, which would make the provision of assistance by donors and international institutions more transparent.⁸⁹ The representative of Romania stated that the proposed mission of the Security Council to Haiti, possibly in conjunction with a similar mission by the Ad Hoc Advisory Group on Haiti, would be a step in the right direction towards making Haiti a stable, prosperous and democratic State.⁹⁰ Similarly, the representative of the Philippines voiced his support for a mission in conjunction with the Ad Hoc Advisory Group on Haiti.⁹¹ The representatives of Greece,⁹² Benin,⁹³ Luxembourg,⁹⁴ Guatemala,⁹⁵ Uruguay⁹⁶ and El Salvador⁹⁷ welcomed the reactivation of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council. The representative of Guatemala believed that the Ad Hoc Advisory Group was a mechanism that had contributed to revitalizing the link between the Economic and Social Council and the Security Council.⁹⁸ The representative of Uruguay asserted that the Advisory Group had to coordinate its work with the Core Group established by the Security Council in paragraph 5 of resolution 1542 (2004) in order to avoid any overlap.⁹⁹

At the close of the meeting, the President issued a statement on behalf of the Council,¹⁰⁰ in which the Council expressed its intention to organize a mission to Haiti before 1 June 2005, possibly in conjunction with a mission of the Ad Hoc Advisory Group on Haiti of the Economic and Social.

In a letter dated 31 March 2005 addressed to the Secretary-General,¹⁰¹ the President of the Council indicated that a mission would be sent to Haiti from 13 to 16 April 2005, in conjunction with the mission of the Ad Hoc Advisory Group on Haiti. In an annex to the

⁸⁶ S/PRST/2005/39.

⁸⁷ S/2005/174.

⁸⁸ Resolution 1576 (2004), third and fifth preambular paragraphs.

⁸⁹ S/PV.5110, p. 9.

⁹⁰ *Ibid.*, p. 21.

⁹¹ *Ibid.*, p. 27.

⁹² *Ibid.*, p. 22.

⁹³ S/PV.5110 (Resumption 1), p. 6.

⁹⁴ *Ibid.*, p. 9.

⁹⁵ *Ibid.*, p. 10.

⁹⁶ *Ibid.*, p. 20.

⁹⁷ *Ibid.*, p. 23.

⁹⁸ *Ibid.*, p. 10.

⁹⁹ *Ibid.*, p. 20.

¹⁰⁰ S/PRST/2005/1.

¹⁰¹ S/2005/220.

letter, the terms of reference were laid out which specified that the mission was to explore ways, in coordination with the Ad Hoc Advisory Group on Haiti, to assist the Transitional Government in the preparation and implementation of developmental projects in Haiti.

In the report of the Security Council mission to Haiti issued on 6 May 2005,¹⁰² the mission welcomed the opportunity to undertake its visit in conjunction with the Ad Hoc Advisory Group, and looked forward to continuing its collaboration so that immediate and medium-term measures could provide the basis on which long-term development could occur.

At its 5178th meeting, on 13 May 2005, the Council considered the report of the Security Council mission to Haiti. During the debate, the representative of Brazil emphasized that the Ad Hoc Advisory Group could play an important role in establishing, in conjunction with Haitian authorities, a long-term institution-building and development strategy.¹⁰³ The representative of Canada stressed that the Economic and Social Council would have an important contribution to make as the United Nations sought to play a positive role in the long, challenging work that laid ahead. He further indicated that the report of the Ad Hoc Group would include a series of concise recommendations for consideration by the Economic and Social Council, the United Nations Stabilization Mission in Haiti (MINUSTAH), the United Nations country team and the donor community. In that regard, it was recommended that the Economic and Social Council focus on mechanisms for capacity-building support, play a role in promoting the socioeconomic dimensions of the disarmament, demobilization and reintegration programme, develop a strong advocacy role on poverty and promote a smooth transition from the Mission to sustained economic development once the mandate of MINUSTAH had been fulfilled. Moreover, the representative of Canada praised the simultaneous presence in Haiti of the two Councils, and said that this was a prototype of what had been recommended by the Secretary-General as the Peacebuilding Commission.¹⁰⁴

The representative of Luxembourg, speaking on behalf of the European Union, emphasized that security and development were interlinked elements of a

comprehensive solution to the crisis in Haiti, as illustrated by the fact that the Security Council mission took place in conjunction with that of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, and that a long-term United Nations presence was required in Haiti with the need for improved coordination between MINUSTAH and the various development actors in Haiti.¹⁰⁵ The representative of Chile highlighted that the presence of the Ad Hoc Group and the Security Council missions in Haiti, the first such visit to the Latin American and Caribbean region, reaffirmed the United Nations commitment to the process of Haiti's political stabilization and economic and social reconstruction. He further asserted that there could be no doubt that the United Nations presence in Haiti should be viewed as a fourth-generation peacekeeping operation whose goals were not limited merely to the suppression of violence. He stated that the collective task would be crowned with success when progress was made towards eradicating the causes of political instability and violence. In that context, he welcomed the integrated approach to Haiti by the Security Council and the Economic and Social Council.¹⁰⁶

The representative of Guatemala stressed that the work carried out by the Council and the Economic and Social Council in connection with post-conflict situations offered an opportunity for very productive action. He emphasized that the joint mission to Haiti and the ongoing support that the two Councils had been providing to each other with respect to Haiti in the fulfilment of their respective mandates attested to the renewed climate of cooperation, and welcomed the development.¹⁰⁷ The representative of Peru believed that the simultaneous visit of the Ad Hoc Advisory Group was very appropriate, as was the fact that some of its meetings in Haiti were carried out jointly with the Security Council mission, as this was a modality which was not often employed but enriched the understanding of the problems besetting countries such as Haiti. In addition to the Security Council's task of maintaining peace and security, that approach enabled the Economic and Social Council to promote the development agenda that would make it possible to rebuild such countries.¹⁰⁸

¹⁰² S/2005/302.

¹⁰³ S/PV.5178, p. 4.

¹⁰⁴ *Ibid.*, pp. 11-12.

¹⁰⁵ *Ibid.*, p. 13.

¹⁰⁶ *Ibid.*, pp. 13-15.

¹⁰⁷ *Ibid.*, p. 15.

¹⁰⁸ *Ibid.*, p. 17.

The representative of Spain emphasized that the missions — of the two Councils highlighted the complementarity of those organs when they addressed complex crises such as the one in Haiti.¹⁰⁹ The representative of Haiti stressed that the Council mission and the Ad Hoc Advisory Group attested to the great interest of the United Nations system in the cause of the development of Haiti. He specifically thanked the Economic and Social Council for its involvement in the long-term development process in Haiti, and outlined that the Ad Hoc Advisory Group was an eloquent testimony of that Council's great interest in the economic future of his country.¹¹⁰ In closing, the President of the Council paid tribute to the members of the Security Council mission and the mission of the Economic and Social Council for their contributions to the promotion of peace and stability in Haiti.¹¹¹

At the 5397th meeting, on 27 March 2006, the President of the Economic and Social Council, noting the clear risk of destabilization and political violence in poor countries and the difficulty of maintaining stability when massive international assistance was lacking, underlined the importance for the two Councils to work hand in hand to respond to the problems in Haiti.

Case 9

Children and armed conflict

In the report of the Secretary-General on children and armed conflict dated 9 February 2005,¹¹² it was suggested that the Economic and Social Council could periodically devote its high-level segment to a review of the subject of children and armed conflict, focusing particularly on the issue of monitoring and reporting.¹¹³

At the 5129th meeting, on 23 February 2005, the representative of Japan indicated that he shared the views expressed in the report of the Secretary-General on the issue, and indicated that the General Assembly, the Economic and Social Council and the Security Council should, as appropriate, consider actions according to their respective mandates.¹¹⁴ The representative of Brazil emphasized that the Council had to recognize the essential roles of and collaborate closely with other destinations for action such as the General Assembly and the Economic and Social Council, as they were equipped to respond to the social and economic dimensions of this complex issue.¹¹⁵ Finally, the representative of Argentina expressed understanding for the Council's special responsibility for the protection of children in armed conflicts because of its close connection with the maintenance of international peace and security, but also asserted that there should be better coordination in addressing this subject between the Council and the General Assembly on one hand, and between the Council and the Economic and Social Council on the other, in conformity with Article 65 of the Charter. He further asserted that, with regard to the Economic and Social Council, the Council should explore the proposal of dedicating high-level sessions to the examination of the issue of children and armed conflict.¹¹⁶

¹¹⁴ S/PV.5129, p. 19.

¹¹⁵ *Ibid.*, p. 26.

¹¹⁶ *Ibid.*, p. 27.

¹⁰⁹ *Ibid.*, pp. 20-21.

¹¹⁰ *Ibid.*, pp. 23-24.

¹¹¹ *Ibid.*, p. 25.

¹¹² S/2005/72; submitted pursuant to Security Council resolution 1539 (2004), by which the Council requested the Secretary-General to submit a report on the implementation of that resolution and its resolutions 1379 (2001) and 1460 (2003), providing information on compliance and progress in ending the recruitment and use of children in armed conflict by those countries mentioned in the Secretary-General's report of 2003 (S/2003/1053).

¹¹³ S/2005/72, para. 120.

Case 10

Complex crises and United Nations response

At its 4980th meeting, on 28 May 2004, the Council considered the item entitled “Complex crises and United Nations response”. During the debate, the President of the Economic and Social Council noted that complex crises necessitated collaborative responses in which the various organs of the United Nations had a complementary role. She emphasized that the most important contribution of the Economic and Social Council to the response by the United Nations to countries in crisis had been its involvement in African countries emerging from conflict. This involvement materialized with the creation of the Ad Hoc Advisory Groups on Guinea-Bissau and Burundi, whose mandate was to examine the humanitarian and economic needs of the countries in question. In that regard, she stated that the Ad Hoc Advisory Groups had fostered a coordinated approach to the situations in Guinea-Bissau and Burundi within the United Nations system at large, which advocated and pushed for greater coherence in the work of the United Nations system. Furthermore, she indicated that, to ensure coherence, those initiatives by the Economic and Social Council had to be linked to the work of the Security Council. She was pleased that the respective bodies were interacting in a more frequent and coherent way, as illustrated by the reference to the Economic and Social Council in the Security Council’s presidential statements on issues of common concern.¹¹⁷

The representative of Spain emphasized that increased interaction between the Council and other United Nations organs had become ever more necessary to provide a consistent and integrated response to the challenges inherent in complex crises. In this regard, he underlined that the Economic and Social Council was highly suited to performing such work, pursuant to Article 65. He also cited a specific example of increased interaction between the Council and the Economic and Social Council in the participation of representatives from one of the Ad Hoc Advisory Groups in the Security Council’s mission to West Africa in June of that year.¹¹⁸

¹¹⁷ S/PV.4980, pp. 4-6.

¹¹⁸ *Ibid.*, p. 7.

The representative of China stated that the Security Council, given its primary responsibility for conflict prevention, had to formulate an integrated preventive strategy suited to the characteristics of complex crises. He recommended that the General Assembly, the Economic and Social Council and various United Nations agencies, on the basis of their comparative advantages, and acting within their respective competences, should develop synergy in their conflict prevention efforts. He emphasized that the United Nations should devote greater attention to development, strive to help developing countries eradicate poverty and develop their economies, and increase its involvement in post-conflict regional and national reconstruction. In that regard, the Economic and Social Council could play an even greater role.¹¹⁹

The representative of Algeria expressed his belief that the gap in dealing with complex crises should be overcome by means of a bolder, more precise approach to detecting and preventing conflicts and by making development a dimension of complex United Nations operations, at the same integral level as the humanitarian and human rights dimensions. He stated that he had been inspired to make this assertion by the lucid analysis of the ad hoc advisory groups of the Economic and Social Council on African countries emerging from conflict, which had spelled out the objective limits of the post-conflict involvement of the United Nations Development Group.¹²⁰ The representative of the Philippines stated that the Ad Hoc Advisory Groups on Guinea-Bissau and Burundi were laudable efforts, but the advisory role and the ad hoc nature of those working groups were not adequate. He stated that there were concerns, for instance, about what to do after the mandate had lapsed, and underlined the need for continuity and an institutional mechanism that would integrate security policy, economic development and institution-building in those areas.¹²¹

The representative of Angola asserted that the Economic and Social Council had been called upon to play an ever-increasing role in the prevention of conflict, in the framework of an integrated approach recognized by the international community as valuable to achieve peace, security, respect for human rights and sustainable development. He stated that specific cases

¹¹⁹ *Ibid.*, p. 8.

¹²⁰ *Ibid.*, p. 12.

¹²¹ *Ibid.*, p. 15.

of the involvement of the Economic and Social Council in Africa — in Guinea-Bissau and Burundi — were very good examples. He further noted that the critical role that the Economic and Social Council played in addressing the root causes of conflict and its contribution to a comprehensive and multidisciplinary discussion on the prevention of armed conflicts in the regional context were recognized as valuable contributions to the prevention of armed conflict and to peacebuilding. In addition, the ad hoc working groups and advisory groups on countries emerging from conflict had produced commendable work, and their recommendations were important contributions in conflict prevention and resolution.¹²²

The representative of the United Kingdom suggested that a strengthened partnership between the Security Council, the General Assembly and the Economic and Social Council on peace and security matters could address the full spread of threats more effectively, and emphasized that Article 65 could be utilized more. He further stated that the Ad Hoc Groups on Burundi and Guinea-Bissau were interesting developments to build on. He pointed out that those groups signalled an emerging role for the Economic and Social Council to work with countries to build their conflict prevention and peacebuilding capacities and to raise awareness of potential needs among the wider United Nations membership.¹²³ Similarly, the representative of Germany stated that building on experiences with the Security Council's Ad Hoc Working Group on Conflict Prevention and Resolution in Africa and the Economic and Social Council ad hoc advisory groups on African countries emerging from conflict, and possible arrangements for more intensive cooperation between the two Councils could be explored.¹²⁴ While suggesting a few recommendations aimed at improving the United Nations response to complex crises as well as the effectiveness of peacebuilding programmes and activities, the representative of Romania suggested that the Security Council should further support United Nations organs and mechanisms in their security and development efforts. In that regard, it should convene a meeting to review the relationship between the Security Council

and the Economic and Social Council, drawing from the experience in Guinea-Bissau.¹²⁵

Case 11

Maintenance of international peace and security

During the period under review the Council met several times to discuss the broad issue of the maintenance of international peace and security in various specific contexts.

(a) The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations

At its 5228th meeting, on 18 July 2005, the Council considered the item entitled “The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations”. During the debate, the representative of the Russian Federation emphasized that the General Assembly and the Economic and Social Council, which, in keeping with their respective mandates, were charged with undertaking a comprehensive consideration of all aspects of the question of HIV/AIDS, had already done a great deal to craft an effective strategy to deal with the spread of the pandemic.¹²⁶ The representative of the United Republic of Tanzania highlighted that resolution 1308 (2000) was a “trailblazing initiative” in generating international awareness and in promoting international action to combat HIV/AIDS beyond international peacekeeping personnel, and that it followed in the path of the defining leadership and roles of the General Assembly and the Economic and Social Council in that regard.¹²⁷

(b) Strengthening international law: rule of law and maintenance of international peace and security

At its 5474th meeting, on 22 June 2006, the Council considered the item entitled “Strengthening international law: rule of law and maintenance of international peace and security”. During the debate, the representative of Egypt asserted that any enforcement mechanism applied by the Council should

¹²² Ibid., p. 20.

¹²³ Ibid., p. 24.

¹²⁴ Ibid., p. 26.

¹²⁵ Ibid., p. 28.

¹²⁶ S/PV.5228, p. 10.

¹²⁷ Ibid., p. 12.

fully respect the principles of the sovereignty and political independence of States, and that any encroachment by the Council on the competence of the General Assembly or the Economic and Social Council should cease.¹²⁸ The representative of the Bolivarian Republic of Venezuela highlighted that Article 24 of the Charter did not necessarily provide the Council with the competency to address issues that corresponded to the functions and powers of the General Assembly or the Economic and Social Council.¹²⁹ The representative of Nigeria underlined the need for close collaboration among the Council, the General Assembly and the Economic and Social Council in the crucial task of facilitating the restoration and consolidation of the rule of law in conflict and post-conflict society, and stressed, in particular, the importance of cooperation between the newly established Peacebuilding Commission, the Council, the Economic and Social Council and relevant United Nations agencies and civil society entities in post-conflict reconstruction efforts.¹³⁰

(c) Maintenance of international peace and security: role of the Security Council in supporting security sector reform

At its 5632nd meeting, on 20 February 2007, the Council considered the item entitled “Maintenance of international peace and security: role of the Security Council in supporting security sector reform”. During the debate, the President of the Economic and Social Council stated that the traditional division between security issues, on the one hand, and development issues, on the other, was both artificial and unsustainable. He emphasized that this was the perspective under which the Economic and Social Council ad hoc advisory groups on Africa had operated. The President noted that within the context of the mandate to promote an integrated approach to relief, reconstruction and development and to encourage the mobilization of resources, the Advisory Groups on Guinea-Bissau and Burundi had called for more attention to be paid to security sector reform as a way of addressing one of the key structural causes of conflict in many fragile countries. He further noted that the Economic and Social Council and the ad hoc groups had always seen the military as key

interlocutors for dialogue, and drew attention to Economic and Social Council resolution 2005/2, in which the Council had welcomed the recommendation by the Security Council to establish a voluntary emergency fund, to be administered by the United Nations Development Programme, to support efforts related to the planning and implementation of military reform.¹³¹

The representative of Angola asserted that the debate in the General Assembly on the report of the Special Committee on Peacekeeping Operations and the experience of the ad hoc working groups on countries emerging from conflict had also produced valuable ideas on the issue of security sector reform.¹³² The representative of China suggested that the United Nations could formulate a comprehensive approach to security sector reform by drawing on practices that had proved effective over years of United Nations peacekeeping operations, and asserted that the General Assembly, the Economic and Social Council and relevant United Nations missions should be more involved, and coordination and communication between the United Nations and relevant regional organizations should be strengthened.¹³³ The representative of Indonesia emphasized that in order to develop viable security sector reform structures, the Council should consult with relevant organs, including the Economic and Social Council.¹³⁴

The representative of the Russian Federation stressed that supporting national efforts in security sector reform in countries emerging from crisis was an area of close constructive partnership and complementarity between the Security Council, the General Assembly and the Economic and Social Council in order to achieve a common goal, and thus enhance the effectiveness of international work in the area of peacebuilding.¹³⁵ The representative of Egypt asserted that the debate on security sector reform had fallen into the grey area which the Council attempted to exploit in order to strengthen its control of an issue that fell primarily within the prerogatives of the General Assembly and the Economic and Social Council.¹³⁶ The representative of Honduras suggested

¹²⁸ S/PV.5474 (Resumption 1), p. 4.

¹²⁹ Ibid., p. 16.

¹³⁰ Ibid., p. 19.

¹³¹ S/PV.5632, p. 6.

¹³² Ibid., p. 7.

¹³³ Ibid., p. 9.

¹³⁴ Ibid., p. 20.

¹³⁵ S/PV.5632 (Resumption 1), p. 2.

¹³⁶ Ibid., pp. 13-14.

that the Economic and Social Council should carry out its own debate to share ideas, with the aim of achieving consensus and a comprehensive strategy on security sector reform, in consultation with all organs of the system such as the Human Rights Council and the Peacebuilding Commission.¹³⁷ Finally, the representative of the Sudan indicated that security sector reform should be the subject of an in-depth and transparent study, to be carried out by all Member States. Carrying out such a study should not prejudice the other principal organs of the United Nations with a stake in this matter: the General Assembly, the Economic and Social Council and other relevant bodies.¹³⁸

(d) Maintenance of international peace and security

At its 5705th meeting, on 25 June 2007, the Council considered the item entitled “Maintenance of international peace and security”. During the debate, the President of the General Assembly highlighted that, in post-conflict situations, the General Assembly, the Security Council and the Economic and Social Council should collectively and clearly debate on how best to develop, through the Peacebuilding Commission, a development-oriented approach to foster the factors of stability and prosperity and to prevent the relapse of countries into conflict.¹³⁹ The President of the Economic and Social Council asserted that, in line with Article 65 of the Charter, the two Councils could consider, on an ad hoc basis, the establishment of a format to discuss development-oriented approaches to the use of natural resources. Such a forum could be useful for advancing their understanding of the link between natural resources and security.¹⁴⁰

The representative of Qatar stated that the topic of natural resources did not fall within the Council’s competence and mandate, rather that it lay at the heart of the competence and mandate of the Economic and Social Council and the General Assembly. He stressed that dealing with the topic in the Council infringed on the prerogatives of both bodies and undermined the democratic principles of the United Nations, and therefore it would be more useful for States to discuss the issue of natural resources in the General Assembly and the Economic and Social Council in the context of

the development agenda.¹⁴¹ The representative of China also expressed his support for the continued discussion of the issue of natural resources in the General Assembly and the Economic and Social Council,¹⁴² and the representative of Italy recognized the importance of the role and experience of the General Assembly and the Economic and Social Council in the field of natural resources.

The representative of Italy also referred to the significance of the myriad United Nations frameworks overseen by the Economic and Social Council intended to improve the management and sustainable use of natural resources at the global level, and suggested that it might be useful for the future to consider those activities in a more coherent framework, bearing in mind their broader impact on long-term conflict prevention.¹⁴³

The representative of Egypt asserted that, undoubtedly, the link between natural resources and conflicts lay at the very centre of the intersection between the prerogatives of the General Assembly and the Economic and Social Council on an equal footing with the Security Council, each within the limits of its responsibilities as set forth in the Charter. He underlined that it was necessary to expand cooperation and coordination and to establish a real partnership among the three organs and regional and subregional organizations, and the United Nations agencies, funds and programmes dealing with the development aspects of the causes of conflict.¹⁴⁴

The representative of Brazil highlighted that the Charter foresaw that issues relating to economic and social development, as was the case with natural resources, including energy, fell within the purview of the functions and powers of the General Assembly and the Economic and Social Council. He underlined that any relevant national debate on the issue of natural resources should first take place at the forum of universal representation, which was the General Assembly, the Economic and Social Council and their relevant subsidiary bodies. In line with addressing the root causes of conflicts, he stressed the importance of deepening the cooperation among the General Assembly and the Economic and Social Council, as set

¹³⁷ Ibid., p. 16.

¹³⁸ Ibid., p. 25.

¹³⁹ S/PV.5705, p. 6.

¹⁴⁰ Ibid., p. 7.

¹⁴¹ Ibid., pp. 9-10.

¹⁴² Ibid., p. 18.

¹⁴³ Ibid., pp. 19-20.

¹⁴⁴ Ibid., pp. 29-31.

out in Article 65 of the Charter.¹⁴⁵ The representative of Benin welcomed the proposal by the President of the Economic and Social Council to establish a forum between the two Councils on the link between natural resources and conflict, and asserted his belief that that proposal could form part of the institutionalization of conflict prevention within the United Nations.¹⁴⁶

(e) Maintenance of international peace and security: role of the Security Council in conflict prevention and resolution, in particular in Africa

At its 5735th meeting, on 28 August 2007, the Council considered the item entitled “Maintenance of international peace and security: role of the Security Council in conflict prevention and resolution, in particular in Africa”. During the debate, the representative of Haiti made a statement on behalf of the President of the General Assembly and recalled the 2005 World Summit during which the Heads of State had stressed the need for the Security Council, the General Assembly, the Economic and Social Council and the Secretary-General to coordinate their activities within their respective Charter mandates.¹⁴⁷ The Acting Chairman of the Organizational Committee of the Peacebuilding Commission emphasized the importance of increasing cooperation and engagement between the Security Council and the Peacebuilding Commission, and expressed the hope that the Commission would address how best it could engage with the Council, as well as with the General Assembly and the Economic and Social Council.¹⁴⁸ The representative of China emphasized that the Council, the Economic and Social Council, the Peacebuilding Commission and the General Assembly should set an example for the international community by enhancing their communication and exchanges and learning from one another so as to make up for their own shortfalls with a view to making concerted efforts.¹⁴⁹ The representative of Indonesia emphasized that the sources of conflict were frequently economic and social in nature, and consequently the Security Council should more closely engage its partners in the United Nations system that are competent in economic and social

issues, as laid out in Article 65.¹⁵⁰ The representative of the Sudan said that another matter that should be given consideration was strengthening the role of the United Nations in economic and social sectors, and that the various United Nations bodies, such as the General Assembly and the Economic and Social Council, should be bolstered.¹⁵¹ The representative of Argentina noted that resolution 1625 (2005) aimed at strengthening the effectiveness of the role of the Security Council in the prevention of armed conflicts, particularly in Africa, by means of a wide range of actions. Coordinating those actions with the work of the Secretariat and the Economic and Social Council was the key to its operationalization.¹⁵²

(f) Security Council Ad Hoc Working Group on Conflict Prevention and Resolution in Africa

During the period under consideration, the Ad Hoc Working Group enhanced its working relationship with the Ad Hoc Advisory Groups on Guinea-Bissau and Burundi of the Economic and Social Council.

In a note, the President transmitted a letter dated 30 March 2004 addressed to him by the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.¹⁵³ The letter included recommendations of the meeting of the Ad Hoc Working Group with the Ad Hoc Advisory Group of the Economic and Social Council on Burundi, held on 15 March 2004. One of the several recommendations made by the Advisory Group and the Working Group on Burundi was to consider ways in which the Economic and Social Council and the Security Council could work together comprehensively to assist in peace, reconciliation, recovery and rehabilitation in Burundi.

In a note, the President transmitted a letter dated 30 December 2005 addressed to him by the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa,¹⁵⁴ forwarding the annual report of the Working Group for 2005. The report included a summary of the wrap-up open debate held in

¹⁴⁵ S/PV.5705 (Resumption 1), p. 2.

¹⁴⁶ Ibid., p. 10.

¹⁴⁷ S/PV.5735, p. 4.

¹⁴⁸ Ibid., p. 6.

¹⁴⁹ Ibid., p. 18.

¹⁵⁰ Ibid., p. 21.

¹⁵¹ Ibid., p. 27.

¹⁵² Ibid., p. 32.

¹⁵³ S/2004/266.

¹⁵⁴ S/2005/833.

the Council on 30 March 2005,¹⁵⁵ which favoured an extensive exchange of views on the situation in Africa and on the ways and means to increase the effectiveness of the efforts made by the Council to cope with them. During the debate, speakers recommended that, while prevention of conflict should be considered a vanguard task to be tackled by the United Nations as a whole, the Security Council should enhance coordination and cooperation with other United Nations bodies, in order to help address deep-rooted social and economic causes of conflict in Africa and to ensure development and employment through fair trade, as a way to prevent either the outbreak or the resurgence of conflicts. For this purpose they welcomed the greater involvement of the Economic and Social Council in this task, in particular by means of the creation of ad hoc working groups such as those established for Burundi and Guinea-Bissau.

While underlining the need to combine peace and security efforts with long-term development strategies, several speakers welcomed the collaboration of the Security Council and the Economic and Social Council in that regard.¹⁵⁶ The representative of Pakistan noted that the recognition of the inextricable link between peace and development had opened the window for increased cooperation and coordination between the two Councils, and expected that relationship to develop further in an institutionalized way.¹⁵⁷ While welcoming the greater involvement of the Economic and Social Council, in particular by means of the ad hoc working groups such as those established for Burundi and Guinea-Bissau, the representative of Brazil observed that the Council still lacked the formal institutional frameworks and adequate channels necessary to maximize the quality of the two Councils' responses. He noted that his delegation had consistently called for the adoption of rules and procedures to put Article 65 of the Charter fully into force, in order to explore its many potential benefits.¹⁵⁸

Case 12

Post-conflict peacebuilding

¹⁵⁵ See S/PV.5156.

¹⁵⁶ *Ibid.*, p. 9 (Egypt); p. 12 (Argentina); p. 30 (Cuba); and p. 31 (Brazil).

¹⁵⁷ *Ibid.*, p. 11.

¹⁵⁸ *Ibid.*, p. 31.

During the period under review the Council met several times to consider peacekeeping and post-conflict situations, each with a slightly different emphasis.

(a) Post-conflict national reconciliation: role of the United Nations

At its 4903rd meeting, on 26 January 2004, the Council considered the item entitled "Post-conflict national reconciliation: role of the United Nations". During the debate, the representative of Brazil said that there was much the Council could do in conflict resolution, and in conceiving and conducting long-term post-conflict initiatives, particularly if it made more extensive use of the provisions of Article 65 and sought the collaboration of the Economic and Social Council as it had done in the cases of Guinea-Bissau and Burundi, with some success.¹⁵⁹

(b) The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding

At its 4943rd meeting, on 15 April 2004, the Council considered the item entitled "The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding". During the debate, the representative of Germany underlined that political and economic stability in conflict prevention, as well as in post-conflict recovery, were closely related, and that this had to be reflected inside and outside the broader United Nations system. He emphasized that much had already been done to improve coherence and efficiency between the different actors as evidenced by the establishment of the ad hoc advisory groups for African countries emerging from conflict of the Economic and Social Council.¹⁶⁰

The President of the Economic and Social Council noted that, in recent years, the Economic and Social Council had taken a more active role in developing a capacity to respond to the countries emerging from conflict, thereby helping to prevent human conditions from getting worse. She noted that although the Economic and Social Council and the Security Council had begun to collaborate in those endeavours, much more could be done by the General Assembly, the Security Council and the Economic and Social Council working together to develop a

¹⁵⁹ S/PV.4903, p. 18.

¹⁶⁰ S/PV.4943, p. 2.

comprehensive and a more rapid response capacity for countries in special situations, where speed, scale and time were of the essence.¹⁶¹

The representative of Brazil shared the views expressed by the President of the Economic and Social Council, to the effect that much more could be done by the General Assembly, the Security Council and the Economic and Social Council, working together, to develop a comprehensive and more rapid response to countries in special situations and also to envisage a long-term perspective towards both sustainable development and conflict prevention.¹⁶²

(c) United Nations peacekeeping operations

At its 4970th meeting, on 17 May 2004, the Council considered the item entitled “United Nations peacekeeping operations”. During the debate, the representative of Algeria underlined that the Council could not act in isolation in regard to peacekeeping operations, and that by creating special advisory groups to study the situations of countries emerging from conflict, the Economic and Social Council, for its part, lent important support to peace.¹⁶³ The representative of Angola noted that quick-impact projects, referred to in the Brahimi report in the context of peacebuilding, should also be used proactively for preventive purposes and should be linked to longer-term strategy. In that context, he welcomed the growing cooperation between the Security Council and the Economic and Social Council, as experienced in the cases of Guinea-Bissau and Burundi.¹⁶⁴

The representative of the Russian Federation indicated that the experience of peacekeeping in Africa clearly demonstrated the intricate linkage of the task of establishing peace with the full social and economic restoration of those countries that had suffered from conflict. His delegation supported the importance of continuing an in-depth consideration of “a rational division of labour” between the Council, the Economic and Social Council and specialized agencies and programmes during the transition from peacekeeping to peacebuilding.¹⁶⁵ The representative of Brazil noted

that it was important that the limitations of peace operations be understood and that other resources be available to complement them. In that regard, the role of the Economic and Social Council was crucial, as it promoted efforts and measures towards development. He further noted that the ad hoc groups for Guinea-Bissau and Burundi were excellent instances of the contribution to peacebuilding of the Economic and Social Council in an integrated effort with the Security Council.¹⁶⁶ The representative of Bangladesh emphasized that models for the active engagement of the Economic and Social Council in post-conflict reconstruction should be developed to lessen the Security Council’s burden, with coordinated support from the United Nations Development Group, donors, the international financial institutions and civil society.¹⁶⁷

(d) Role of civil society in post-conflict peacebuilding

At its 4993rd meeting, on 22 June 2004, the Council considered the item entitled “Role of civil society in post-conflict peacebuilding”. During the debate the President of the Economic and Social Council emphasized that civil society organizations were increasingly indispensable partners in post-conflict peacebuilding, as their number, diverse mandates and varying operational capacities made coordination essential to ensure the coherence and impact of their combined efforts.¹⁶⁸ The representative of the United States outlined that the Economic and Social Council and its various ad hoc advisory groups provided an important link with civil society and this would allow the Security Council to benefit from their expertise as it moved forward.¹⁶⁹ The representative of Bangladesh emphasized that the Economic and Social Council as the principal intergovernmental body mandated to promote policy processes in addressing deep-rooted socioeconomic, cultural, environmental or structural causes of conflict, should be the lead institution in involving civil society organizations in post-conflict peacebuilding policy recommendations. He noted that it must act as a United Nations system-wide conduit for the transmittal of early warnings and

¹⁶¹ Ibid., pp. 9-10.

¹⁶² Ibid., p. 29.

¹⁶³ S/PV.4970, p. 13.

¹⁶⁴ Ibid., p. 14.

¹⁶⁵ Ibid., p. 16.

¹⁶⁶ Ibid., p. 18.

¹⁶⁷ S/PV.4970 (Resumption 1), p. 7.

¹⁶⁸ S/PV.4993, pp. 4-5.

¹⁶⁹ Ibid., p. 18.

best practices to the Security Council and the General Assembly.¹⁷⁰

(e) Civilian aspects of conflict management and peacebuilding

At its 5041st meeting, on 22 September 2004, the Council considered the item entitled “Civilian aspects of conflict management and peacebuilding”. During the debate, the representative of Brazil highlighted recent experiences relating to conflicts in countries with very low levels of development, which illustrated the limitations of a purely or primarily military approach to peacebuilding. He emphasized that, without a broader perspective, and without considering economic and social variables, a lasting solution would not be reached. He suggested that the United Nations should develop instruments and mechanisms that translated this awareness into real strategies. He noted that Article 65 of the Charter offered an opportunity to enhance cooperation between the Security Council and the Economic and Social Council, thereby broadening the scope of multilateral cooperation in conflict management and peacebuilding. He recalled that the Economic and Social Council, not the Security Council, was the Charter organ with responsibility for matters relating to social development, and stated that it was part of the work of the Security Council to promote the work of the Economic and Social Council in fulfilling its tasks, so as to ease the work of the Security Council and prevent it from interfering in its own work. He underlined the importance of integrating political, social and economic elements into crisis management strategies, and noted that, to that end, action could be based on “the wise provision of Article 65 ... which reminds us of the absolute need to address security issues in their socio-economic context and even provides guidance on how to do so from the institutional and multilateral standpoints”.¹⁷¹

The representatives of Pakistan¹⁷² and Angola¹⁷³ also emphasized the necessity for coordination between the Council, the General Assembly and the Economic and Social Council in effective conflict management and peacebuilding, and the representative of Algeria

similarly advocated that a greater role should be given to the Economic Social Council.¹⁷⁴

(f) Post-conflict peacebuilding

At its 5187th meeting, on 26 May 2005, the Council considered the item entitled “Post-conflict peacebuilding”. During the debate, the Deputy Secretary-General stated that the United Nations system and its principal organs had to function in a coherent fashion. He added that, in recent years, the Security Council and the Economic and Social Council had each extended the scope of their activities in post-conflict situations, and that both had critical roles to play.¹⁷⁵ The representative of the United Republic of Tanzania emphasized the value of institutional partnership within the United Nations system, and asserted that the creation of the ad hoc advisory groups on African countries emerging from conflict of the Economic and Social Council attested to that, as it was instrumental in linking up the two Councils in areas of common concern related to peace and development.¹⁷⁶ The representative of Argentina said that coordination by the Council with the Economic and Social Council, in accordance with the provisions of Article 65 of the Charter, had a fundamental role to play in the promotion of sustainable development.¹⁷⁷ The representative of Brazil expressed the belief that the Peacebuilding Commission proposed by the Secretary-General was one of the many important topics on the reform agenda, as it was adequately balanced between the involvement of the Security Council and the Economic and Social Council in its composition, as well as in its operation.¹⁷⁸ The representative of Algeria noted that peacebuilding activities could not be the sole responsibility of the Council, and that the Economic and Social Council had to be brought in whenever the issues involved were related to social and economic development. He further noted that such collaboration would not only be consistent with the prerogatives that the Charter accorded to each organ: it would also enable a greater number of Member States to contribute, leading to a more rational and effective handling of the issue.¹⁷⁹

¹⁷⁰ S/PV.4993 (Resumption 1), pp. 11-12.

¹⁷¹ S/PV.5041, pp. 16-18.

¹⁷² Ibid., p. 19.

¹⁷³ Ibid., p. 20.

¹⁷⁴ Ibid., p. 28.

¹⁷⁵ S/PV.5187, p. 4.

¹⁷⁶ Ibid., p. 10.

¹⁷⁷ Ibid., p. 11.

¹⁷⁸ Ibid., p. 13.

¹⁷⁹ Ibid., p. 14.

The President of the Security Council made a statement on behalf of the Council,¹⁸⁰ in which the Council underlined the fact that, for countries emerging from conflict, significant international assistance for economic and social rehabilitation and reconstruction was indispensable. In that regard, the Council acknowledged the role the Economic and Social Council played, including in sustainable development, and reiterated its willingness to improve cooperation with United Nations bodies and organs directly concerned with peacebuilding.

At its 5261st meeting, on 14 September 2005, the Council adopted resolution 1625 (2005), in which it affirmed its determination to strengthen United Nations conflict prevention capacities by requesting, as necessary and appropriate, information and assistance from the Economic and Social Council in accordance with Article 65 of the Charter.¹⁸¹ Following the adoption of the resolution, while underlining the importance of the Peacebuilding Commission, the representative of Brazil noted that better coordination between the Security Council and the Economic and Social Council would ensure that situations such as those in Haiti and Guinea-Bissau were adequately addressed.¹⁸²

At its 5335th meeting, on 20 December 2005, the Council adopted resolution 1645 (2005),¹⁸³ by which it decided that the agenda of the Organizational Committee of the Peacebuilding Commission should be based on several requests, including requests for advice from the Economic and Social Council or the General Assembly with the consent of a concerned Member State on the verge of lapsing or relapsing into conflict and with which the Security Council was not seized in accordance with Article 12 of the Charter. It also underlined that the advice of the Commission to provide sustained attention as countries moved from transitional recovery towards development would be of particular relevance to the Economic and Social Council, bearing in mind its role as a principal body for coordination, policy review, policy dialogue and recommendations on issues of economic and social development.¹⁸⁴

¹⁸⁰ S/PRST/2005/20.

¹⁸¹ Resolution 1625 (2005), annex, para. 2.

¹⁸² S/PV.5261, p. 13.

¹⁸³ Resolution 1645 (2005).

¹⁸⁴ For further discussion on the role of the Economic and

Case 13

Protection of civilians in armed conflict

At its 4990th meeting, on 14 June 2004, the Council considering the item entitled “Protection of civilians in armed conflict”. During the debate, the representative of Pakistan emphasized that most contemporary conflicts were complex in nature, requiring a comprehensive, coherent and multidimensional response. The United Nations was an institution best suited to generate such an integrated approach, with the Secretary-General, the Security Council, the Economic and Social Council and its relevant functional commissions, and the General Assembly working in synergy within their respective roles and mandates.¹⁸⁵ In a similar vein, the representative of Brazil said that, in order to look for more complementarity, the Council could work in close coordination with the General Assembly and the Economic and Social Council in the field of the protection of civilians, especially as the critical issue of funding for humanitarian missions was beyond the Council’s purview.¹⁸⁶ The representative of the Philippines called for a recommitment to the road map that identified the responsibilities of the various entities within the United Nations, including the Security Council, the General Assembly and the Economic and Social Council, and requested a wide dissemination of this road map throughout the United Nations system to maximize contributions to realizing the common objective of effectively protecting civilians in all areas and at all levels.¹⁸⁷ The representative of Ukraine highlighted that further strengthening of cooperation between the Security Council and the Economic and Social Council had an important role in areas that were at the heart of peacebuilding.¹⁸⁸ The representative of Japan also emphasized the importance of collaboration between the Council and other organs such as the Economic and Social Council in the effective protection of civilians in armed conflict. He further asserted that a seamless transition from humanitarian assistance to reconstruction was extremely important, and that his

Social Council in the Peacebuilding Commission, see part I, sect. G, above.

¹⁸⁵ S/PV.4990, p. 14.

¹⁸⁶ *Ibid.*, p. 21.

¹⁸⁷ *Ibid.*, p. 27.

¹⁸⁸ S/PV.4990 (Resumption 1), p. 5.

Government accordingly welcomed the holding of an Economic and Social Council event on transition.¹⁸⁹

Case 14

Women and peace and security

In his report on women and peace and security dated 13 October 2004,¹⁹⁰ the Secretary-General provided an overview of the progress achieved thus far in the implementation of resolution 1325 (2000). He described the functional commissions of the Economic and Social Council, and highlighted resolution 2004/4, in which the Economic and Social Council requested all United Nations entities to strengthen their efforts at gender mainstreaming and to develop action plans with specific timelines for implementing the gender mainstreaming strategy; called for measures to strengthen commitment and accountability at the highest levels within the United Nations and underlined the importance of monitoring and reporting; and also requested United Nations entities to provide effective support to gender specialists, gender focal points and gender theme groups, and urged continued efforts towards the full implementation of resolution 1325 (2000).

At the 5066th meeting, on 28 October 2004, the representative of the Philippines welcomed the Secretary-General's intention to work towards a comprehensive system-wide strategy and action plan for gender mainstreaming in the work of the Organization, and to interface that strategy with the policies and plans adopted by the General Assembly and the Economic and Social Council.¹⁹¹ The representative of Algeria raised concerns about the Security Council exceeding its own area of competency owing to the multidimensional and multisectoral nature of the issue, which would threaten to weaken the authority of organs and mechanisms that dealt with the status of women. He stressed the need to ensure that the Council's actions were in accordance with its mandate and complemented the work of other players, particularly the Economic and Social Council.¹⁹² The representative of Pakistan also emphasized the need for the Security Council to enhance its coordination with the General Assembly and the Economic and Social

Council, with a view to evolving a composite approach, particularly with regard to the economic, social and political empowerment of women.¹⁹³ The representative of Brazil underlined the particular need for cooperation between the Council and the Economic and Social Council, under Article 65 of the Charter, to link peace, security, reconstruction and development, and also emphasized the existing success stories of cooperation between the two Councils, such as the ad hoc groups for Guinea-Bissau and Burundi.¹⁹⁴ The representative of the Russian Federation indicated that he was pleased that the issue of women and peace and security was being given increased attention by the Council, the General Assembly and the Economic and Social Council.¹⁹⁵ The representative of Mexico further emphasized that it was of paramount importance that the content of resolution 1325 (2000) be ingrained in the daily work of the Main Committees of the General Assembly, the Economic and Social Council and the Secretariat.¹⁹⁶ Finally, the representative of the Syrian Arab Republic highlighted the fact that the Council's interest in the issue of women and peace and security had further strengthened and promoted the integration of existing General Assembly and Economic and Social Council mechanisms relating to the protection of women in armed conflict, strengthening measures to empower women and to promote their equal participation in peacekeeping operations and important decision-making in the post-conflict reconstruction of States and societies.¹⁹⁷

At the close of the meeting, the President issued a statement on behalf of the Council,¹⁹⁸ in which the Council recognized that significant progress had been made in the implementation of resolution 1325 (2000) in certain areas of the United Nations peace and security work. The Council also expressed its readiness to further promote the implementation of the resolution, in particular through active cooperation with the Economic and Social Council and the General Assembly.

The Secretary-General, in his report on women and peace and security dated 10 October 2005,¹⁹⁹ emphasized that intergovernmental bodies, such as the

¹⁸⁹ Ibid., pp. 10-11.

¹⁹⁰ S/2004/814.

¹⁹¹ S/PV.5066, p. 12.

¹⁹² Ibid., p. 15.

¹⁹³ Ibid., p. 20.

¹⁹⁴ Ibid., p. 23.

¹⁹⁵ Ibid., p. 25.

¹⁹⁶ Ibid., p. 32.

¹⁹⁷ Ibid., p. 33.

¹⁹⁸ S/PRST/2004/40.

¹⁹⁹ S/2005/636.

Council, the General Assembly and the Economic and Social Council played a critical role in providing oversight and ensuring accountability of United Nations entities as they formulated policies, standards and norms for gender mainstreaming and empowerment.

At its 5294th meeting, on 27 October 2005, the Council again considered the item. During the debate, the representative of Algeria emphasized that the Council should not impinge on the prerogatives of the General Assembly, the Economic and Social Council or the Commission on the Status of Women, which were the appropriate bodies for the development of policies and norms with respect to the status of women and gender equality, and, therefore, it was necessary for the Council to work in conjunction with the other participants in the system.²⁰⁰ The representative of Argentina said that the obstacles to the full implementation of resolution 1325 (2000) arose from both the instability of conflict situations themselves and the lack of respect for the human rights of women. He emphasized that the latter fell within the purview of other bodies such as the Economic and Social Council, and called upon Member States to carry out the commitments they had entered into, especially under the Beijing Declaration and Platform for Action.²⁰¹ The representative of Brazil asserted that the possibility of cooperation between the Council and the Economic and Social Council under Article 65 could not be disregarded in the area of intergovernmental oversight.²⁰²

²⁰⁰ S/PV.5294, p. 20.

²⁰¹ *Ibid.*, pp. 21-22.

²⁰² *Ibid.*, pp. 28-29.

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 agreements and of their alteration or amendment, shall 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.

During the period under review, although remaining in existence, the Trusteeship Council was inactive and did not carry on any activity.²⁰³

²⁰³ The Trusteeship Council suspended its operation on 1 November 1994 after the last remaining Trust Territory, Palau, attained independence.

Part IV

Relations with the International Court of Justice

Note

This part 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, with both organs proceeding independently. During the period under review there were two rounds of elections to elect six members to fill casual and regular vacancies of the Court (see cases 15 and 16). Section B reflects on the discussion that continued in the Security Council regarding the respective roles of the Council and the Court in connection with the judgment of the Court in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (see case 17); and the respective roles of the Council and the Court in connection with the Palestinian question following the advisory opinion of the Court on the legal consequences of the construction of a wall in the Occupied Palestinian Territory (see case 18). It also deals with the Council's debate on strengthening international law, during which the role of the Court was emphasized (see case 19). An instance is also described where the Secretary-General and the Security Council, by means of communications, welcomed the ruling of the Court in a dispute between Cameroon and Nigeria concerning the Bakassi peninsula (see case 20).

During the period under review, by a note verbale dated 29 September 2005 addressed to the Secretary-General,²⁰⁴ Costa Rica communicated that it had filed a case against Nicaragua before the Court concerning the navigational rights of Costa Rica on the San Juan River. There were no subsequent communications on this question during the period, nor did the Council meet to discuss it.

²⁰⁴ S/2005/632.

A. Practice in relation to the election of members of the International Court of Justice

The procedure for election of members of the Court is set out in Articles 4 and 8 and 10 to 14 of the Statute of the International Court of Justice; 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.

For each of the two elections (cases 15 and 16) held during this period, the Security Council began the procedure to fill a vacancy, or vacancies, by fixing the date of election, in accordance with Article 14 of the Court's Statute and the Council's practice, through the adoption of a resolution.²⁰⁵ The Security Council and the General Assembly then proceeded independently with the elections.²⁰⁶ At the Security Council meetings, the President of the Council drew attention to a memorandum²⁰⁷ by the Secretary-General 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 (1) of the Court's Statute provided 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 15

²⁰⁵ In one instance, the Council adopted resolution 1571 (2004) fixing the date of the election; in the remaining five instances, relating to the election to fill regular vacancies of the Court, it appears that the Council set the date of election informally.

²⁰⁶ For the verbatim records of the relevant Security Council meetings see S/PV.5121 and S/PV.5299; for the verbatim records of the relevant General Assembly plenary meetings see A/59/PV.21 and A/60/PV.44.

²⁰⁷ S/2005/51 and S/2005/446.

At its 5070th meeting, on 4 November 2004, the Council considered the item entitled “Date of election to fill a vacancy in the International Court of Justice”.²⁰⁸ The Council adopted resolution 1571 (2004), by which it decided that the election should be held on 15 February 2005.

At its 5121st meeting, on 15 February 2005, the Council elected a member of the International Court of Justice to fill a vacancy in the Court caused by the resignation of one of its members.²⁰⁹ 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 result of the voting in the General Assembly had been received. Subsequently, he informed members of the Council that he had received a letter from the President of the General Assembly informing him that the same candidate had received an absolute majority in the General Assembly at the 81st plenary meeting of its fifty-ninth session. 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 2009.

Case 16

At its 5299th meeting, on 7 November 2005, the Council proceeded with the election of five members of the International Court of Justice, to fill the seats which would become vacant on 5 February 2006. On the first ballot six candidates obtained the required majority of votes in the Council. As more than five candidates received the required majority, the Council then held a second ballot in accordance with paragraph 13 of the Secretary-General’s memorandum.²¹⁰ The results of the second ballot were similar to that of the first, namely that six candidates obtained the required majority of votes. The President then communicated to the Council that six candidates had also obtained the required majority in the second ballot in the General

Assembly, and accordingly a third ballot was held in the Council and the General Assembly.²¹¹

It was communicated to the Council that the President of the General Assembly had suspended the third ballot until later the same day, and the President of the Council proposed to proceed in the same way and to resume the ballot later at the same meeting, to which all the Council members agreed.

At the same meeting, at the third ballot, it was communicated to the Council that, by letters dated 7 November 2005, the representatives of Sweden and Tunisia had informed the Legal Counsel that their respective national groups had separately decided to withdraw the candidacy of Mr. Abdelfattah Amor. Since Mr. Amor’s candidacy was nominated only by the national groups of Sweden and Tunisia his name was not included on the third ballot. The third ballot once again resulted in more than five candidates obtaining the majority necessitating a fourth ballot. It was communicated to the Council that the General Assembly would also need to conduct a fourth ballot.

The Council proceeded to a fourth ballot. Prior to the announcement of the result of the fourth ballot the President informed the Council that he had received a letter from the President of the General Assembly stating that five candidates had received an absolute majority in the General Assembly’s fourth ballot. It was then revealed that in the fourth ballot of the Council more than five candidates had obtained the required majority.

As the General Assembly had already approved five candidates it did not vote again. The fifth ballot then proceeded in the Council. This, once again, resulted in more than five candidates with an absolute majority.

The Council accordingly proceeded with a sixth ballot, and in this ballot only the required number of candidates, five, received the required majority. The

²⁰⁸ See S/PV.5070.

²⁰⁹ See S/2004/830.

²¹⁰ S/2005/446, para. 13, describes the composition of the Court and sets out the procedure to be followed in the conduct of the election.

²¹¹ There was no communication from the President of the General Assembly to the President of the Council of the results of the first ballot as the General Assembly decided at the same meeting to withhold communication to the President of the Council until “the required number of candidates, and no more, had received the absolute majority” in keeping with a procedure adopted by the General Assembly at the 45th plenary meeting of its forty-fifth session, on 3 November 1999 (see A/60/PV.44).

President communicated the result of the vote to the President of the General Assembly and requested the Council to remain in session to await a communication from the President of the General Assembly, in keeping with procedure, so the results could be read out simultaneously. Subsequently, he announced that he had received a letter from the President of the General Assembly informing the Council that the same candidates had received the required majority of votes in the Assembly at the 44th plenary meeting of its sixtieth session. The candidates in question were therefore elected members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2006.

B. Consideration of the relationship between the Security Council and the Court

Article 94

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 Court

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.*

Case 17

During the period under review, the International Court of Justice issued its judgment in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* on 26 February 2007. Prior to the ruling of the Court, by a letter dated 12 October 2006 addressed to the President of the Council,²¹² the Secretary-General transmitted the thirtieth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, in which the High Representative asserted that the relationship between Bosnia and Herzegovina and Serbia had been complicated by the case pending before the International Court of Justice.

By a letter dated 3 May 2007 addressed to the President of the Security Council,²¹³ the Secretary-General transmitted a report from the High Representative for Bosnia and Herzegovina. In the report the High Representative outlined how the ruling of the Court on 26 February had brought to the fore the issue of constitutional reform within Bosnia and Herzegovina. He explained that, as a result of the ruling, the Bosniak politicians had seized upon the Court's verdict and pointed out that it was the army and police of the wartime Republika Srpska that had committed genocide in and around Srebrenica in July 1995. Consequently, the Bosniaks demanded that the Srebrenica municipality be removed from Republika Srpska jurisdiction and that the Republika Srpska itself be abolished.²¹⁴ Encouraged by the findings of the Court, the Bosniaks continued to pursue their goal of an entity-free Bosnia and Herzegovina²¹⁵ in contrast to the federal state system desired by the Serbs,²¹⁶ and the

²¹² S/2006/810.

²¹³ S/2007/253.

²¹⁴ *Ibid.*, enclosure, para. 6.

²¹⁵ *Ibid.*, para. 32. On 27 February 2007, the International Court of Justice ruled that the wartime institutions of the Republika Srpska had been responsible for the genocide in Srebrenica. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, *Judgment, I.C.J. Report 2007*, p. 43.

²¹⁶ S/2007/253, enclosure, para. 31.

report indicated that this had caused “reverberations” throughout the country.²¹⁷

In response, by a letter dated 15 May 2007 addressed to the President of the Council,²¹⁸ the President of the International Tribunal for the Former Yugoslavia transmitted an assessment and report pursuant to paragraph 6 of Council resolution 1534 (2004) regarding the completion strategy of the Tribunal.²¹⁹ In the light of the judgment of the International Court of Justice, the President of the Tribunal expressed the determination of the Office of the Prosecutor to continue actively seeking support from States and international organizations to obtain the arrest of remaining fugitives, and expressed hope that the international community and especially concerned States would give effect to the findings of the Court.

At its 5675th meeting, on 16 May 2007, the Council considered the situation in Bosnia and Herzegovina. During the debate, the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina highlighted the political tensions within Bosnia and Herzegovina following the judgment of the International Court of Justice, which had threatened stability in the State as politicians sought to exploit the ruling for their own gains. The High Representative then outlined the obligations placed upon Serbia as a result of the judgment, but asserted that Serbia had “not delivered on that obligation” and that no results had been forthcoming since the ruling.²²⁰ Finally, he stated that the Court’s verdict acknowledged that genocide had occurred in Srebrenica, and made it clear that the United Nations had special responsibilities to its people and encouraged the Council to establish a

United Nations Day of Srebrenica to commemorate the tragic events that had occurred there.²²¹

The representative of Italy endorsed the ruling of the International Court of Justice, and asserted that the ruling should be applied scrupulously so as to further ascertain responsibility and to ensure that justice prevailed.²²² The representative of Belgium emphasized that the ruling of the Court should not be used as a pretext to review the political and institutional architecture of Bosnia and Herzegovina, and called for the cessation of all nationalized rhetoric and the depoliticization of certain topics within the country.²²³ The representative of the United Kingdom emphasized that Bosnian leaders should not exploit the judgment to stir up Srebrenica as a means of undermining the Dayton Peace Agreement.²²⁴

By a letter dated 30 May 2007 addressed to the Secretary-General,²²⁵ the representative of Pakistan, in his capacity as Chairman of the Organization of the Islamic Conference Group, transmitted a resolution adopted at the thirty-fourth session of the Islamic Conference of Foreign Ministers on the situation in Bosnia and Herzegovina, in which the Ministers took note of the decision by the International Court of Justice on the matter of Bosnia and Herzegovina and the Federal Republic of Yugoslavia, and declared that the judgment must be fully implemented.

At its 5697th meeting, on 18 June 2007, the Council considered the item concerning the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda. During the deliberations, the representative of France welcomed the measures taken by the Belgrade authorities in handing over two indictees to The Hague, in accordance with its international commitments set out in the ruling of the International Court of Justice.²²⁶ The representative of the United Kingdom welcomed the judgment of the Court, and affirmed the obligations placed upon Serbia by part of that judgment, that the remaining accused should be tried before the Tribunal for the Former Yugoslavia.²²⁷

²¹⁷ *Ibid.*, para. 86.

²¹⁸ S/2007/283.

²¹⁹ Paragraph 6 of resolution 1534 (2004) reads in part 1: “Requests each Tribunal to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the Completion Strategy of the Tribunal, explaining what measures have been taken to implement the Completion Strategy and what measures remain to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions.”

²²⁰ S/PV.5675, pp. 3-4.

²²¹ *Ibid.*, pp. 7-8.

²²² *Ibid.*, p. 8.

²²³ *Ibid.*, p. 14.

²²⁴ *Ibid.*, p. 17.

²²⁵ S/2007/656.

²²⁶ S/PV.5697, p. 19.

²²⁷ *Ibid.*, p. 24.

By a letter dated 10 August 2007 addressed to the President of the Council,²²⁸ the Secretary-General transmitted a report of the Secretary-General of the Council of the European Union and High Representative of the Union for the Common Foreign and Security Policy, on the activities of the European Union military mission in Bosnia and Herzegovina. In the report, it was emphasized that the political situation within Bosnia and Herzegovina had deteriorated, mainly as a result of the ruling of 26 February of the International Court of Justice, which had sparked strong reactions.

By a letter dated 5 November 2007 addressed to the President of the Council,²²⁹ the Secretary-General transmitted the thirty-second report of the High Representative for Bosnia and Herzegovina, covering the period from 1 April to 30 September 2007. In his report, the High Representative made clear that the political fallout from the judgment of the Court had continued to define domestic politics during the first half of the reporting period, and the Bosniak political leaders continued to use the Srebrenica genocide as a means of attacking both the constitutional order and the legitimacy of the Republika Srpska,²³⁰ and this combination had contributed to an unfavourable political environment for achieving the reforms to which the Office of the High Representative was committed.²³¹ However, the High Representative also recognized that the tensions over Srebrenica in the wake of the judgment had lessened overall by the end of the reporting period.²³²

Case 18

On 9 July 2004, the International Court of Justice issued its advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, in which it held that Israel was under an obligation to terminate its breaches of international law, to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem, and to dismantle forthwith the structure therein situated.²³³ Subsequent to the ruling,

²²⁸ S/2007/490.

²²⁹ S/2007/651.

²³⁰ *Ibid.*, enclosure, para. 2.

²³¹ *Ibid.*, para. 73.

²³² *Ibid.*, summary.

²³³ *Legal Consequences of the Construction of a Wall in the*

the Security Council received numerous communications from the Secretary-General and Member States²³⁴ and held many debates on the Palestinian question.²³⁵ Member States in their communications condemned the actions of Israel in continuing with the construction of the wall in flagrant violation of the advisory opinion of the Court, and urged Israel to comply with its legal obligations arising from the judgment of the Court, General Assembly resolutions and international law.

At its 4895th meeting, on 16 January 2004, the Council considered the item entitled “The situation in the Middle East, including the Palestinian question”. During the debate, the issue of the construction of the separation barrier was raised by the Under-Secretary-General for Political Affairs, who indicated that the General Assembly had requested that the International Court of Justice provide an advisory opinion on the legality of the construction of the separation barrier.²³⁶

In identical letters dated 27 February 2004 addressed to the Secretary-General and the President of the Council,²³⁷ the Permanent Observer of Palestine denounced the actions by Israel in “continuing to kill and wound Palestinian civilians”, and also for continuing the construction of the wall in the Occupied Palestinian Territory, with total contempt for the resolutions of the United Nations and in complete disregard of the ongoing advisory proceedings of the International Court of Justice on the legal consequences arising from the continued construction.

By identical letters dated 2 March 2004 addressed to the Secretary-General and the President of the

Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, p. 136.

²³⁴ S/2004/142, S/2004/167, S/2004/172, S/2004/506, S/2004/630, S/2004/678, S/2004/808, S/2004/909, S/2004/1029, S/2005/2, S/2005/46, S/2005/101, S/2005/274, S/2005/321, S/2005/372, S/2005/522, S/2005/619, S/2005/701, S/2006/11, S/2006/30, S/2006/499, S/2006/748, S/2007/291, S/2007/337, S/2007/345, S/2007/360, S/2007/553, S/2007/581, S/2007/636, S/2007/766.

²³⁵ See S/PV.4895; S/PV.4929; S/PV.4951; S/PV.5002; S/PV.5007; S/PV.5019; S/PV.5039; S/PV.5049; S/PV.5051; S/PV.5060; S/PV.5128; S/PV.5149; S/PV.5230; S/PV.5270; S/PV.5312; S/PV.5411; S/PV.5472; S/PV.5552; S/PV.5568; S/PV.5584; S/PV.5667; S/PV.5736; S/PV.5767.

²³⁶ S/PV.4895, p. 3.

²³⁷ S/2004/167.

Council, the representative of Israel expressed his disappointment that the legality of the wall was being challenged by the International Court of Justice, and asserted that it was “tragic that the security fence, the very counter-terrorist defensive measure that could have saved each passing life” was being challenged in the Court, especially because, in areas currently protected by the security fence, the incidence of terrorist attacks had been significantly reduced.²³⁸

At the 4929th meeting, on 23 March 2004, the Permanent Observer of Palestine expressed grave concern about Israel’s continued building of the expansionist wall in the Occupied Palestinian Territory, even after the matter had been submitted to the International Court of Justice at the request of the General Assembly.²³⁹ The representative of Saudi Arabia remarked upon Israel being a “State marked by hostility to international law and the norms of human society”. He asserted that international relations were in a very grave situation because of the precedence being granted to the logic of force over law, and because of the lack of respect for international norms which had given rise to strange and distorted interpretations of those norms which did not accord with opinions handed down by the International Court of Justice.²⁴⁰

By identical letters dated 21 June 2004 addressed to the Secretary-General and the President of the Council,²⁴¹ the Permanent Observer of Palestine declared that “Israel, the occupying Power, continue[d] to build its expansionist wall in the Occupied Palestinian Territory, in direct violation of General Assembly resolution ES-10/13 of 21 October 2003”,²⁴² and furthermore that the occupying Power had continued “to confiscate even more Palestinian land, to bulldoze and destroy more Palestinian property and to accelerate the building of the wall also in blatant disregard for Assembly resolution ES-10/14, in which the Assembly requested the International Court of Justice to urgently render an advisory opinion on the issue, and in contempt for the ongoing deliberations of the Court”.

²³⁸ S/2004/172.

²³⁹ S/PV.4929, p. 4.

²⁴⁰ *Ibid.*, p. 24.

²⁴¹ S/2004/506.

²⁴² By resolution ES-10/13, the General Assembly demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory.

At the 5002nd meeting, on 13 July 2004, the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority drew the Council’s attention to the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the West Bank, issued on 9 July, in particular to the fact that the Court called on the United Nations to consider what further action was required to bring an end to the illegal situation resulting from the construction of the wall.²⁴³

At the 5007th meeting, on 20 July 2004, the Secretary-General of the League of Arab States addressed the Council, and described the decision of the International Court of Justice as “a strong and wise response to those who are seeking to make use of negative measures against principles of international law or who are following a double standard”.²⁴⁴

In identical letters dated 6 August 2004 addressed to the Secretary-General and the President of the Council, the Permanent Observer of Palestine recalled that the Court had found that Israel’s construction of the wall was in breach of several of its legal obligations, and had concluded that Israel was under an obligation to terminate its breaches of international law and to cease its construction of the wall. Furthermore, the Court spelled out the obligations of States in that regard and determined that the United Nations, including the General Assembly and Security Council, should consider what further action was required to bring an end to the illegal situation resulting from the construction of the wall and its regime, taking due account of the advisory opinion. The Permanent Observer noted that, immediately after both the Court’s rendering of the advisory opinion and the Assembly’s adoption of resolution ES-10/15, Israeli officials publicly rejected the advisory opinion, speaking with ill-respect and disdain for the Court, for the opinion and for the Assembly, and defiantly declared Israel’s intention to continue constructing the wall. He further stated that this had to be a matter of direct and critical concern for the United Nations, including the General Assembly and the Security Council.²⁴⁵

²⁴³ S/PV.5002, p. 6.

²⁴⁴ S/PV.5007, p. 16.

²⁴⁵ S/2004/630.

By identical letters dated 24 August 2004 addressed to the Secretary-General and the President of the Council, the Permanent Observer of Palestine asserted that all Israeli settlement policies and practices were being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. He stated that this fact was confirmed by the justices of the International Court of Justice in the advisory opinion of 9 July 2004, which determined, *inter alia*, that the Israeli settlements had been established in breach of international law. The Permanent Observer also reiterated that, “as concluded by the International Court of Justice, the unlawful construction of the wall by Israel, the occupying Power, is intricately related to this unlawful colonial settlement campaign in the Occupied Palestinian Territory, including East Jerusalem”, and that those “illegal practices are preventing the realization of the inalienable national rights of the Palestinian people, including their right to self-determination in their independent State of Palestine”.²⁴⁶

At the 5039th meeting, on 17 September 2004, the Under-Secretary-General for Political Affairs reported to the Council that, despite the advisory opinion of the Court, the Israeli policy of confiscating and/or levelling Palestinian land continued. He informed the Council that he was awaiting further details to be published on the exact routing of the parts of the barrier that remained to be constructed in the West Bank, and that Israel was currently revising long sections of the barrier route in accordance with the ruling of the Israeli High Court, which had instructed the Government to respond to the advisory opinion rendered by the International Court of Justice, which might have a further impact on the route of the barrier.²⁴⁷

At the 5049th meeting, on 4 October 2004, the Permanent Observer of Palestine reiterated the obligations placed upon Israel arising from the ruling of the Court and its request that the Security Council take additional measures to bring an end to the illegal situation resulting from the construction of the wall. He noted that the General Assembly had responded favourably and had taken the first step, as set out in resolution ES-10/15. He further noted that the Security Council had not yet responded, and called on the

Council to become engaged in the political process, thus giving it momentum and further force.²⁴⁸

At the same meeting, the representative of Romania emphasized that the illegal construction of the wall, as determined by the International Court of Justice, was contributing to the very harsh conditions facing the Palestinian people, as the wall cut off the productive resources: their best arable land and their major water sources.²⁴⁹ The representative of Pakistan said that the continued construction of the wall in defiance of the Court’s ruling was a manifestation of an objective, that of the permanent annexation of occupied Palestinian territories.²⁵⁰ The representative of Tunisia, speaking on behalf of the Group of Arab States, emphasized the commitments placed on Israel as a result of the advisory opinion of the Court, and reminded the Council that the International Court of Justice had requested the United Nations, particularly the Security Council, to adopt additional measures to put an end to the illegal situation resulting from the construction of the wall.²⁵¹ The representative of the League of Arab States questioned how, in the face of continued actions by Israel in contravention of the ruling of the Court, the Security Council could remain a silent observer of the daily war crimes perpetrated by Israel’s occupation forces against the Palestinian people. He called upon the Council to adopt the necessary measures to prevail upon Israel to renounce its policy of occupation, settlement-building, killings and destruction and to compel Israel to return to the negotiating table.²⁵² The representative of the Syrian Arab Republic underlined the repeated warnings received about the plans by the Head of the Government of Israel, and highlighted how he was increasing the number of settlements in the West Bank and “continuing to build the racist separation wall”, in defiance of the opinion of the International Court of Justice.²⁵³

In a letter dated 1 October 2004 addressed to the Secretary-General, the representative of Turkey, in his capacity as Chairman of the Organization of the Islamic Conference Group, transmitted the final communiqué of the annual coordination meeting of

²⁴⁶ S/2004/678.

²⁴⁷ S/PV.5039, p. 3.

²⁴⁸ S/PV.5049, p. 4.

²⁴⁹ *Ibid.*, p. 10.

²⁵⁰ *Ibid.*, p. 15.

²⁵¹ *Ibid.*, p. 18.

²⁵² *Ibid.*, pp. 22-23.

²⁵³ *Ibid.*, p. 25.

Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference. In the communiqué, they strongly welcomed the advisory opinion of 9 July 2004 of the International Court of Justice and took note of “the negative and defiant response by Israel” to the advisory opinion and its declarations to continue constructing the wall in the Occupied Palestinian Territory, including in and around East Jerusalem.²⁵⁴

In identical letters dated 30 December 2004,²⁵⁵ and also in two subsequent identical letters,²⁵⁶ addressed to the Secretary-General and the President of the Council, the Permanent Observer of Palestine indicated that Israel continued to pursue its illegal settlement and wall campaign in the Occupied Palestinian Territory, in blatant violation of and contemptuous disregard for the advisory opinion of the International Court of Justice.

In identical letters dated 26 January 2005 addressed to the Secretary-General and the President of the Council,²⁵⁷ the Permanent Observer of Palestine stated that Israel had resumed construction of a section of the wall by the illegal settlement of Ariel, which was located 12 miles deep into the West Bank, despite the ruling of the Court.

By identical letters dated 22 February 2005,²⁵⁸ and subsequent identical letters dated 17 May 2005,²⁵⁹ addressed to the Secretary-General and the President of the Council, the representative of the Permanent Observer Mission to Palestine informed the Council that Israel was continuing to pursue its illegal policies and practices in spite of the ruling by the Court. He asserted that the Council had the duty to address the issue and to take the necessary measures to ensure that Israel upheld its responsibilities and legal obligations, and that Member States also upheld their legal obligations, as mentioned in the advisory opinion.

In a letter dated 18 April 2005 addressed to the President of the Council,²⁶⁰ the Permanent Observer of the League of Arab States transmitted a letter from its

Secretary-General and the texts of the resolutions and the Algiers Declaration adopted by the Council of the League of Arab States at its seventeenth session. In the letter, the League of Arab States reaffirmed the importance of the legal finding of the International Court of Justice and the necessity of observing the legally binding obligations arising therefrom upon Israel and the States Members of the United Nations, and called upon the General Assembly and the Security Council to follow up on the decision of the Court by ensuring fulfilment of the legal obligations determined by the Court.

At the 5230th meeting, on 21 July 2005, the representative of Palestine asserted that the approval by the Government of Israel on 10 July of the route inside East Jerusalem of the separation wall was a grave development. She stated that it was a direct challenge to the international community, as it coincided with the one-year anniversary of the advisory opinion on the wall, in which the Court ruled that the wall was illegal. She reiterated that the international community must abide by the legal opinion of the Court, and looked forward to the day when the international community, in particular the Security Council, would ensure that Israel respected international law in accordance with the Court’s opinion.²⁶¹ The representative of Brazil voiced the opinion that Israel should be encouraged to reverse its decision on the matter of the construction of the wall around Jerusalem and to comply with the advisory opinion of the Court in all activities related to the wall.²⁶²

The representative of China noted similarly that the Israeli decision to accelerate construction of the wall one year after the issuance of the Court’s judgment contravened the relevant United Nations resolutions and principles, and would exacerbate Israeli-Palestinian discord.²⁶³ The representative of Japan deplored the construction of the wall inside the Green Line, in violation of the findings of the Court, and asserted it was adversely affecting the livelihood of Palestinians and was prejudicial to the outcome of the final status negotiations.²⁶⁴ The representative of Argentina emphasized that Israel should act in conformity with international law with respect to the

²⁵⁴ S/2004/808.

²⁵⁵ S/2004/1029.

²⁵⁶ S/2005/2 (4 January 2005); and S/2006/11 (5 January 2006).

²⁵⁷ S/2005/46.

²⁵⁸ S/2005/101.

²⁵⁹ S/2005/321.

²⁶⁰ S/2005/274.

²⁶¹ S/PV.5230, pp. 8-9.

²⁶² *Ibid.*, p. 17.

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*, p. 19.

construction of the separate barrier, and called upon the Government of Israel to abide by the judgment of the Court.²⁶⁵ The representative of Benin further asserted that the continued construction of the wall, despite the ruling of the Court, was a real challenge for the international community, and urged the Government of Israel to substantially implement the Court's decision, and this sentiment was echoed by the representative of the Philippines.²⁶⁶

In a letter dated 29 September 2005 addressed to the Secretary-General,²⁶⁷ the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States, commented on the statement delivered by the Special Coordinator for the Middle East Peace Process to the Council during the briefing held on 23 September 2005.²⁶⁸ In his statement, the Special Coordinator had referred repeatedly to Israel's need for security as the reason behind the building of the wall. The Arab Group reiterated that the Court had rejected the argument that the wall was needed for security reasons, and had stated: "the Court is not convinced that the construction of the wall along the route chosen was the only means to safeguard the interests of Israel".²⁶⁹

In his report on the peaceful settlement of the question of Palestine²⁷⁰ submitted on 7 November 2005 in accordance with General Assembly resolution 59/31, the Secretary-General reiterated his call to Israel to abide by the judgment of the International Court of Justice. Included in the report was a note verbale dated 2 August 2005 from the Permanent Observer of Palestine in which he recalled the ruling of the Court which determined the applicable rules and principles of international law, including humanitarian law and human rights law, and regretted that Israel continued to defy the international community and engage in grave violations and breaches of international law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem. The Permanent Observer further asserted that the direct and

grave impact of this ongoing illegal situation on the efforts to achieve a peaceful settlement of the Israeli-Palestinian conflict was unquestionable and had to be urgently addressed by both the General Assembly and the Security Council; this was a duty that was affirmed by the Court in clear and definitive terms. In his observation, the Secretary-General expressed concern about Israel's continued construction of the barrier in the West Bank, and reiterated his call to Israel to abide by its legal obligations as set forth in the advisory opinion of the Court.

At the 5312th meeting, on 30 November 2005, the Under-Secretary-General for Political Affairs reiterated the Secretary-General's call on Israel to abide by its legal obligations as set forth in the advisory opinion of the International Court of Justice and in General Assembly resolution ES-10/15.²⁷¹

In identical letters dated 19 January 2006 addressed to the Secretary-General and President of the Council,²⁷² the Permanent Observer of Palestine highlighted the danger that the continued Israeli settlement activities posed to the safety of Palestinian civilians and their properties across the Occupied Palestinian Territory, including East Jerusalem, and urged the international community to insist that Israel respect its obligations, including ceasing the construction of the wall which the Court had deemed illegal.

At the 5411th meeting, on 17 April 2006, the representative of France expressed his concern at the continuation of the Israeli settlement policy in the Occupied Palestinian Territory, including East Jerusalem, at the route of the separation barrier, which contravened the advisory opinion of the Court.²⁷³ The continuation of the construction was also a matter of concern for the representative of the Syrian Arab Republic.²⁷⁴ The representative of the Islamic Republic of Iran spoke of Israel's defiance of the advisory opinion of the Court, and asserted that the impunity with which Israel had been allowed to carry out its "war crimes" had emboldened it to continue such policies and practices.²⁷⁵ The representative of the Bolivarian Republic of Venezuela expressed the belief

²⁶⁵ Ibid., p. 21.

²⁶⁶ Ibid., p. 25 (Benin); and p. 26 (Philippines).

²⁶⁷ S/2005/619.

²⁶⁸ 5270th meeting.

²⁶⁹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, advisory opinion, I.C.J. Reports 2004*, p. 136.

²⁷⁰ S/2005/701.

²⁷¹ S/PV.5312, p. 4.

²⁷² S/2006/30.

²⁷³ S/PV.5411, p. 10.

²⁷⁴ Ibid., p. 29.

²⁷⁵ Ibid., pp. 31-32.

that a comprehensive, just and lasting solution to the Palestinian problem — the nucleus of the Arab-Israeli conflict — had to be based on the relevant United Nations resolutions and the advisory opinion of the Court.²⁷⁶ In concluding, the Permanent Observer of the League of Arab States stated that the “Israeli occupying authorities” were expanding their illegal policy of settlements in the Occupied Palestinian Territory, and continued to erect the barrier in flagrant violation of the advisory opinion of the Court.²⁷⁷

At the 5472nd meeting, on 21 June 2006, the Under-Secretary-General for Political Affairs informed the Council that Israel was continuing the barrier construction despite the ruling of the Court, and that the route of the section of the barrier in Jerusalem had been approved by the Israeli High Court of Justice on 23 May 2006.²⁷⁸

In his report on the peaceful settlement of the question of Palestine²⁷⁹ submitted on 19 September 2006 in accordance with General Assembly resolution 60/39, the Secretary-General observed that the continuing construction of the barrier encroaching on Palestinian land contradicted the legal obligations of Israel set forth in the advisory opinion of the International Court of Justice and General Assembly resolution ES-10/15 of 20 July 2004. Quoted in the report was a note verbale dated 4 August 2006 from the Permanent Observer of Palestine which highlighted the fact that the advisory opinion rendered by the Court on 9 July 2004 regarding Israel’s expansionist wall in the Occupied Palestinian Territory, including East Jerusalem, continued to be blatantly disrespected by Israel.²⁸⁰

At its 5552nd meeting, on 19 October 2006, the Council was addressed by the Special Representative for the Middle East Peace Process, who stated that settlement activity continued in the West Bank, and construction of the barrier had continued in defiance of the advisory opinion of the Court.²⁸¹ During the debate, the Permanent Observer of Palestine affirmed that his Government categorically rejected any unilateral plans by the Israelis in the West Bank,

because the purpose of such plans was to annex more territory as a fait accompli and to annex the occupied eastern part of Jerusalem, which, in addition to the continuance of construction in violation of the ruling of the Court, obviated the possibility of a peaceful resolution in which two States lived side by side in peace and security.²⁸² The representative of Cuba, speaking on behalf of the Non-Aligned Movement, said that Israeli construction of the barrier continued in defiance of the ruling of the Court, and stressed that if the construction of the wall was not stopped or reversed, it would be impossible to reach a two-State solution to the conflict.²⁸³

At the 5568th meeting, on 21 November 2006, the representative of France called upon the Israelis to refrain from any unilateral action that might prejudice the results of final status negotiations or undermine prospects for the creation of a viable Palestinian State, and, in keeping with the advisory opinion of the Court, to put an end to its settlement activities and to the building of the wall inside the West Bank.²⁸⁴

At the 5584th meeting, on 12 December 2006, the Secretary-General noted that “as Palestinians watch this activity, they also see a barrier being built through their land, in contravention of the advisory opinion of the International Court of Justice ... Their despair at the occupation only grows, as does their determination to resist it”.²⁸⁵ The representative of France emphasized that Israel had a duty to refrain from any unilateral action that would undermine the prospects for creating a politically, economically and geographically viable Palestinian State, and must put an end to settlement activities and the construction of the wall in accordance with the advisory opinion of the Court.²⁸⁶

At its 5667th meeting, on 25 April 2007, the Council was briefed by the Under-Secretary-General for Political Affairs, who informed the Council that Israel continued to construct the wall in the West Bank, ignoring the advisory opinion of the Court.²⁸⁷ The representative of Indonesia deplored the continuing practice of construction in contravention of the

²⁷⁶ *Ibid.*, p. 36.

²⁷⁷ *Ibid.*, pp. 37-38.

²⁷⁸ S/PV.5472, p. 4.

²⁷⁹ S/2006/748.

²⁸⁰ *Ibid.*, para. 4.

²⁸¹ S/PV.5552, p. 4.

²⁸² *Ibid.*, pp. 21-22.

²⁸³ *Ibid.*, pp. 27-28.

²⁸⁴ S/PV.5568, p. 13.

²⁸⁵ S/PV.5584, p. 3.

²⁸⁶ *Ibid.*, p. 20.

²⁸⁷ S/PV.5667, p. 4.

judgment of the Court, and highlighted the harmful consequence of the wall to the Palestinian people within its boundaries.²⁸⁸ The Permanent Observer of Palestine pointed out that, in continuing construction in disregard of the advisory opinion, Israel was in violation of the Fourth Geneva Convention and other applicable international law.²⁸⁹ The representative of the Syrian Arab Republic noted that Israel continued to violate the truce agreement, committing daily killings and destroying Palestinian property, in addition to continuing the construction of the wall in flagrant violation of the ruling of the Court.²⁹⁰

In identical letters dated 17 May 2007 addressed to the Secretary-General and the President of the Council,²⁹¹ the representative of the Permanent Observer Mission of Palestine emphasized that the international community should urgently take measures to uphold international law and hold Israel accountable for its actions, and compel Israel to comply with the judgment of the Court.

By a letter dated 23 May 2007 addressed to the President of the Council, the representative of South Africa communicated to the Council the final document of the United Nations African meeting on the question of Palestine, in which it was highlighted that “the participants were highly critical of Israel’s routinely disproportionate and indiscriminate military operations in Palestinian population centres”, and reminded Israel of its responsibilities under international law. The participants also noted that the construction of the wall inside the West Bank continued at an accelerated pace in complete disregard of the judgment of the Court. They called upon Governments and intergovernmental organizations and others to meet their legal obligations faced with Israel’s non-compliance, and take appropriate actions.²⁹²

By two letters dated 6 June 2007²⁹³ and 7 June 2007²⁹⁴ addressed to the Secretary-General, the representative of Cuba, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, conveyed the viewpoint of the Non-Aligned

Movement, which demanded that Israel cease the illegal construction of a wall in the Occupied Palestinian Territory, and condemned the flagrant challenge and disrespect by Israel for the advisory opinion of the Court.

At the 5736th meeting, on 29 August 2007, the Permanent Observer of Palestine noted that Israel was continuing to unlawfully construct the wall in total disrespect of the advisory opinion, and strongly asserted that the wall and the settlements had to be dismantled.²⁹⁵

In his report on the peaceful settlement of the question of Palestine the Secretary-General noted with concern the route of the wall in contravention of Israel’s legal obligations set forth in the advisory opinion of the Court.²⁹⁶

By a letter dated 18 October 2007 addressed to the Secretary-General, the representative of Pakistan, in his capacity as Chair of the Organization of the Islamic Conference Group, communicated the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of States members of the Organization of the Islamic Conference, in which they reiterated their condemnation of Israel’s continuing construction of the wall in flagrant violation of international law and in total disrespect for the advisory opinion of the Court.²⁹⁷

In identical letters dated 28 December 2007 addressed to the President of the Council,²⁹⁸ the Permanent Observer of Palestine asserted that the illegal settlement activities being carried out by Israel constituted grave violations and breaches of the United Nations resolutions, the Fourth Geneva Convention, the judgment of the International Court of Justice, and Israel’s obligations and commitments under the road map.

Case 19

During the period under review the Council was seized with the matter of strengthening international law. At the meetings of the Council, emphasis was placed on the importance of the International Court of Justice. In addition, a decision was adopted

²⁸⁸ Ibid., p. 21.

²⁸⁹ Ibid., p. 24.

²⁹⁰ Ibid., p. 31.

²⁹¹ S/2007/291.

²⁹² S/2007/360.

²⁹³ S/2007/337.

²⁹⁴ S/2007/345.

²⁹⁵ S/PV.5736, p. 24.

²⁹⁶ S/2007/553.

²⁹⁷ S/2007/636.

²⁹⁸ S/2007/766.

emphasizing the important role of the Court as the principal judicial organ of the United Nations.

By a letter dated 22 February 2005 addressed to the Secretary-General, the representative of the Libyan Arab Jamahiriya proposed a number of reforms of the United Nations, including a more decisive division of roles for the organs of the United Nations, namely, to make the General Assembly a legislative body, the Security Council an executive body, and the International Court of Justice the judicial body.²⁹⁹ The representative asserted that dividing the roles of the organs this way would ensure that the judicial decisions made by the Court would be implemented by the executive, the Security Council.

At its 5474th meeting, on 22 June 2006, the Council considered the item entitled “Strengthening international law: rule of law and maintenance of international peace and security”. During the debate, Judge Rosalyn Higgins, President of the International Court of Justice, said that while the Charter provided that the Council could inform parties to resolve their disputes through judicial settlement, the Council had long failed to use that provision. She emphasized the important role of the Court in settling legal disputes of any nature and encouraged the Council to adopt a policy whereby, when a dispute arose, it strongly indicated to the parties that they are expected to have recourse to the Court.³⁰⁰ Several Council members indicated their support for a strengthened relationship between the Council and the Court, and praised the Court for its role in peaceful settlement.³⁰¹ The representative of the United Kingdom asserted the “absolutely central role” the Court had to play in maintaining international peace and security,³⁰² while the representative of Peru underlined the pivotal role that the principal organ of the United Nations played in the maintenance of international peace and security and stressed the contributions of the Court to the achievement of the fundamental purposes of the United Nations by means of the peaceful settlement of

disputes.³⁰³ The representative of the United Republic of Tanzania recognized and underlined the role of the Court in complementing the role of the Security Council.³⁰⁴ Emphasizing the recommendation that legal disputes should be referred to the Court, the representative of Mexico stated that the Council had to develop its institutional capacity to prevent the outbreak of situations that threatened peace and, in particular, strive to help the parties to a dispute to resolve it, in keeping with the procedures set out in the Charter.³⁰⁵

Following the meeting, by a statement of the President dated 22 June 2006,³⁰⁶ the Council called upon Member States to settle disputes by peaceful means, including recourse to the International Court of Justice. The Council also emphasized the important role of the Court, as the principal judicial organ of the United Nations, in adjudicating disputes among States.

Case 20

During the period under review, the Council was seized of the dispute between Cameroon and Nigeria regarding the Bakassi peninsula and the subsequent judgment of the International Court of Justice on the issue.³⁰⁷ While the Council held no meeting to address this issue, and adopted no decision, it received several communications from the Secretary-General and Member States concerning the implementation of the judgment of the Court.

By a letter dated 17 March 2004 addressed to the President of the Council,³⁰⁸ the Secretary-General provided an appraisal of activities undertaken by Cameroon and Nigeria through his good offices, in furtherance of the implementation of the ruling of the Court of 10 October 2002 on the land and maritime boundary between the two countries. The Secretary-General reported that at the first meeting of the Heads of State of Cameroon and Nigeria both had requested

²⁹⁹ S/2005/102.

³⁰⁰ S/PV.5474, pp. 5-8.

³⁰¹ Ibid., p. 9 (United Kingdom); p. 15 (Peru); p. 16 (Russian Federation); p. 17 (France); p. 19 (Argentina); p. 22 (United Republic of Tanzania); pp. 22-23 (Greece); p. 25 (Ghana); p. 28 (Congo); pp. 29-30 (Mexico); and p. 32 (Austria).

³⁰² Ibid., p. 9.

³⁰³ Ibid., p. 15.

³⁰⁴ Ibid., p. 22.

³⁰⁵ Ibid., p. 29.

³⁰⁶ S/PRST/2006/28.

³⁰⁷ On 10 October 2002, the International Court of Justice ruled that sovereignty over the Bakassi peninsula lay with Cameroon. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, Judgment, I.C.J. Reports 2002, p. 303.

³⁰⁸ S/2004/298.

the establishment of a Mixed Commission mandated to consider the implications of the Court's decision. He gave a summary of the progress of the work of the Mixed Commission and commended it.

In a letter dated 29 July 2004 addressed to the President of the Council,³⁰⁹ the representative of Cameroon transmitted a joint communiqué concerning the border dispute between Cameroon and Nigeria, in which it was emphasized that the two States were cooperating with each other in an effort to implement the judgment of the Court, and both expressed satisfaction at the work of the Mixed Commission in facilitating the peaceful implementation of the ruling and settlement of the dispute. Moreover, both Heads of State extended appreciation and gratitude to the Secretary-General for his ceaseless efforts in the implementation of the Court's judgment.

In a letter dated 14 December 2004 addressed to the President of the Council,³¹⁰ the Secretary-General outlined the mandate, functions and activities of the United Nations Office for West Africa (UNOWA) for the period from 1 January 2005 to 31 December 2007. One of the mandated functions was to facilitate, mainly through the Special Representative of the Secretary-General in his capacity as Chairman of the Cameroon-Nigeria Mixed Commission, the implementation of the work plan approved by Cameroon and Nigeria towards the implementation of the ruling of the Court.

By a letter dated 1 August 2005 addressed to the President of the Council,³¹¹ the Secretary-General informed the latter that, through his good offices, he had facilitated the implementation of the ruling of the Court on the land and maritime boundary between Cameroon and Nigeria. Furthermore, he applauded the work of the Mixed Commission, which had moved the process forward smoothly and peacefully, and kept open the dialogue and communication between Cameroon and Nigeria in furtherance of the judgment of the Court.

By a letter dated 20 June 2006 addressed to the President of the Security Council,³¹² the Secretary-General referred to the agreement between Cameroon and Nigeria concerning the modalities of withdrawal and transfer of authority in the Bakassi peninsula.

By a letter dated 21 June 2006 addressed to the Secretary-General,³¹³ the representative of Austria transmitted a statement on the agreement on the Bakassi peninsula, issued on 20 June 2006, in which the European Union congratulated the Governments of Nigeria and Cameroon for signing the agreement concerning the modalities of withdrawal and transfer of authority in the Bakassi peninsula, and on their commitment to implement by peaceful means the judgment of the Court, and called it an "inspiring example for the peaceful settlement of differences in accordance with international law".

By a letter dated 28 September 2006 addressed to the President of the Council,³¹⁴ the Secretary-General once again reported on the achievements and activities undertaken by the Mixed Commission in implementing the ruling of the Court. He informed the President that it was his intention to ask for additional resources from the regular budget of the Mixed Commission for 2007 to help advance the peaceful implementation of the Court's ruling.

By a letter dated 17 October 2006 addressed to the Secretary-General,³¹⁵ the President of the Security Council acknowledged his letter of 28 September indicating his intention to continue the activities of the United Nations support team for the Mixed Commission with funding from the regular budget. He further stated that the Council requested further information and clarification in writing on the activities expected to be performed by the Mixed Commission in 2007 and following years.

³¹³ S/2006/453.

³¹⁴ S/2006/778.

³¹⁵ S/2006/819.

³⁰⁹ S/2004/612.

³¹⁰ S/2005/16.

³¹¹ S/2005/528.

³¹² S/2006/419.

As requested by the Council, by a letter dated 1 November 2006 addressed to the President of the Council,³¹⁶ the Secretary-General outlined the activities to be performed by the Cameroon-Nigeria Mixed Commission to foster the implementation of the judgment of the Court.

By a letter dated 28 November 2007 addressed to the President of the Council,³¹⁷ the Secretary-General transmitted the mandate and functions of UNOWA from January 2008 to December 2010, which included facilitating the implementation of the ruling of the Court on the land and maritime boundary dispute between Cameroon and Nigeria.

By a letter dated 30 November 2007 addressed to the President of the Council,³¹⁸ the Secretary-General communicated the latest achievements and activities carried out by the Mixed Commission as it continued to support and facilitate the peaceful implementation of the Court's judgment. The Secretary-General indicated that the four sections of the ruling of the Court had been resolved in May 2007, and the Mixed Commission would continue to contribute to the reaching of an agreement on oil and gas fields straddling the maritime boundary between the two countries. The Secretary-General also communicated his intention to ask for additional resources from the regular budget to assist the Mixed Commission in its work.

³¹⁶ S/2006/859.

³¹⁷ S/2007/753.

³¹⁸ S/2007/695.

Part V Relations with the Secretariat

Article 98

The Secretary-General shall act in that capacity³¹⁹ 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 ...

³¹⁹ Article 97 of the Charter stipulates that the Secretary-General shall be the chief administrative officer of the Organization.

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 Charter³²⁰ (section A) and with the 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

This section 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 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). The section is illustrative of the practice and does not aspire to be comprehensive.³²¹

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 in the Central African Republic, the Council expressed its concern at the possible consequences to that country of the crises in the subregion. Accordingly, it welcomed with satisfaction the Secretary-General's initiative in asking the United Nations Peacebuilding Support Office in the Central African Republic to assess the implications of developments in neighbouring countries on the situation in the Central African Republic and vice versa.³²²

(b) Also, in relation to the Central African Republic, the Council requested the Secretary-General

to explore, in close consultation with the authorities of that country and its development partners, the possibility of setting up a follow-up committee or enlarging the Committee of Foreign Partners to Follow Up on the Electoral Process in order to support the reconstruction efforts initiated by the Central Africans. It invited the Secretary-General to report to it on his consultations, through his Representative in the Central African Republic, no later than 31 October 2005.³²³

(c) With regard to the situation in Côte d'Ivoire, the Council requested the Secretary-General to establish as soon as possible the international commission of inquiry, as recommended by the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights and requested by the Government of Côte d'Ivoire, in order to investigate all human rights violations committed in Côte d'Ivoire since 19 September 2002 and determine responsibility.³²⁴

(d) In relation to the situation concerning the Democratic Republic of the Congo, the Council expressed grave concern at the allegations of sexual exploitation and misconduct by civilian and military personnel of the United Nations peacekeeping mission, and requested the Secretary-General to continue to fully investigate those allegations, to take the appropriate action in accordance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse.³²⁵

(e) With regard to the situation in Guinea-Bissau, the Council recognized the importance of containing and reversing the threat of drug trafficking to the peace consolidation process in Guinea-Bissau. It further recognized in particular the important role of the United Nations Office on Drugs and Crime. The Council requested the Secretary-General to report on this matter as soon as possible.³²⁶

(f) With regard to the item "Reports of the Secretary-General on the Sudan", the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian and human rights law in Darfur by all parties, to determine also whether acts of

³²⁰ The functions and powers of the Secretary-General in regard to the meetings of the Security Council, conferred under Article 98, are delineated in rules 21 to 26 of the Council's provisional rules of procedure; see also, chap. I, part IV.

³²¹ For details of these and other instances where the Security Council entrusted functions to the Secretary-General, see the case studies in chapter VIII and chapter X.

³²² S/PRST/2004/39.

³²³ S/PRST/2005/35.

³²⁴ S/PRST/2004/17.

³²⁵ Resolution 1565 (2004), para. 25.

³²⁶ S/PRST/2007/38.

genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable. It also requested the Secretary-General, in conjunction with the Office of the United Nations High Commissioner for Human Rights, to take appropriate steps to increase the number of human rights monitors deployed to Darfur.³²⁷

(g) In relation to the same item, the Council requested the Secretary-General to report to it on the protection of civilians in refugee and internally displaced persons camps in Chad and on how to improve the security situation on the Chadian side of the border with the Sudan.³²⁸

(h) With regard to the situation in Georgia, the Council requested the Secretary-General to include detailed information on developments in the Kodori Valley and on the progress on efforts for the return of refugees and internally displaced persons, particularly to the Gali district, in his next report on the situation in Abkhazia, Georgia.³²⁹

(i) In relation to the situation in the Middle East, the Council requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of the terrorist bombing in Beirut.³³⁰

(j) In relation to the same situation, the Council requested the Secretary-General to consult urgently with the Government of Lebanon with a view to facilitating the establishment and operation of the investigation commission, and requested also that he report to the Council accordingly and notify it of the date the commission began its full operations.³³¹

(k) Also, in relation to the same situation, the Council noted with appreciation the process launched by the Secretary-General to investigate the cartographic, legal and political implications of the

proposal contained in the seven-point plan of the Government of Lebanon.³³²

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 this regard was endorsed in the following instances.

(a) With regard to the situation concerning the Democratic Republic of the Congo, the Council requested the Secretary-General to continue to use his good offices in facilitating a political solution to address the underlying causes of the crisis in the Kivus, in close consultation with the Government of the Democratic Republic of the Congo, Governments of the region and other regional and international partners.³³³

(b) With regard to the situation between Ethiopia and Eritrea, the Council reiterated its support for the initiative of the Secretary-General to exercise his good offices by appointing a Special Envoy to facilitate the implementation of the Algiers Agreements, the decision of the Boundary Commission and the relevant resolutions and decisions of the Security Council, and to encourage the normalization of diplomatic relations between the two countries, and emphasized that that appointment did not constitute an alternative mechanism.³³⁴

(c) With regard to the reports of the Secretary-General on the Sudan, the Council requested the Secretary-General to provide good offices and political support for the efforts to resolve all ongoing conflicts in the Sudan.³³⁵

(d) With regard to the situation in Myanmar, the Council welcomed the mission by the Secretary-General’s Special Adviser to Myanmar, Mr. Ibrahim Gambari, reaffirmed its strong and unwavering support for the Secretary-General’s good offices mission as mandated by the General Assembly in its resolution 61/232, and expressed its appreciation for the personal engagement of the Secretary-General. The Council also

³²⁷ Resolution 1564 (2004), para. 12.

³²⁸ Resolution 1706 (2006), para. 13.

³²⁹ Resolution 1716 (2006), para. 18.

³³⁰ S/PRST/2005/4. The terrorist bombing in Beirut on 14 February 2005 killed the former Prime Minister of Lebanon, Rafiq Hariri, and others.

³³¹ Resolution 1595 (2005), by which the Council decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist bombing in Beirut, including to help identify its perpetrators, sponsors, organizers and accomplices.

³³² S/PRST/2006/52.

³³³ Resolution 1794 (2007), para. 9.

³³⁴ Resolution 1531 (2004), para. 6.

³³⁵ Resolution 1590 (2005), para. 3.

noted that the good offices mission was a process, and encouraged the sustained support and engagement of the international community in helping Myanmar.³³⁶

Joint efforts to promote a political settlement

In several instances, the Secretary-General was asked to undertake diplomatic efforts in conjunction with regional arrangements or other actors in order to achieve a political settlement.

(a) In relation to the situation in Burundi, the Council urged the Government of Burundi to step up its efforts to combat impunity and to promote and protect human rights, paying particular attention in that context to reducing the high level of gender-based violence and violence against children. It encouraged the Secretary-General and the Burundian authorities to pursue their dialogue with a view to agreeing on the establishment of a transitional justice mechanism based on the highest standards of justice and international human rights.³³⁷

(b) In relation to the same situation, the Council, acknowledging the crucial importance of reconciliation for peace and national unity in Burundi, shared the view that a future truth commission should contribute to it. The Council requested the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Security Council by 30 September 2005 on the details of implementation, including costs, structures and time frame.³³⁸

(c) In relation to the situation in the Central African Republic, the Council requested the Secretary-General to reinforce cooperation between the United Nations and States members of the Central African Economic and Monetary Community with a view to facilitating and strengthening initiatives aimed at addressing trans-border insecurity in the subregion and bringing to an end the violations by armed groups of the territorial integrity of the Central African Republic.³³⁹

(d) In relation to the situation in Somalia, the Council requested the Secretary-General to consider

and to suggest in his next report ways to develop the role of the United Nations in support of the Intergovernmental Authority on Development-facilitated Somali reconciliation process.³⁴⁰

(e) In relation to the same situation, the Council requested the Secretary-General to keep the Council regularly informed of developments at the Somali National Reconciliation Conference and to make timely recommendations on what additional measures could be taken by the Council in support of the Conference and its outcome.³⁴¹

(f) Also, in relation to the situation in Somalia, the Council requested the Secretary-General to assist the transitional federal institutions with the national reconciliation congress, and requested him to report back to the Council within 60 days on progress made by those institutions in pursuing an all-inclusive political process and reconciliation.³⁴²

(g) Also, in relation to that situation, the Council requested the Secretary-General, in consultation with the African Union, the League of Arab States and the Intergovernmental Authority on Development, to do what he could to assist in furthering ceasefire arrangements and the political dialogue, especially in Mogadishu.³⁴³

(h) In relation to the situation in the Western Sahara, the Council called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the past months, with a view to achieving a just, lasting and mutually acceptable political solution which would provide for the self-determination of the people of Western Sahara. The Council requested the Secretary-General to set up those negotiations under his auspices, and invited Member States to lend appropriate assistance to such talks.³⁴⁴

(i) In relation to the situation in the Middle East, the Council requested the Secretary-General to develop, in liaison with relevant international actors and the parties concerned, proposals to implement the

³³⁶ S/PRST/2007/37.

³³⁷ S/PRST/2007/16.

³³⁸ Resolution 1606 (2005), para. 1.

³³⁹ S/PRST/2006/47.

³⁴⁰ S/PRST/2004/3.

³⁴¹ S/PRST/2004/24.

³⁴² Resolution 1744 (2007), para. 3.

³⁴³ S/PRST/2007/13.

³⁴⁴ Resolution 1754 (2007), paras. 2 and 7.

relevant provisions of the Taif Accords, and resolutions 1559 (2004) and 1680 (2006).³⁴⁵

Peacekeeping and implementation of peace agreements

Concerning peacekeeping, in addition to carrying out responsibilities with regard to ongoing missions, the Secretary-General took on additional functions in relation to seven new peacekeeping operations³⁴⁶ and six political missions³⁴⁷ established during the period from 2004 to 2007. Most of these new missions were multifunctional, with political, humanitarian, social and economic components. They were tasked with 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 these peacekeeping operations — their establishment, deployment, withdrawal and the implementation of their mandates. In addition, the Secretary-General consulted the African Union and the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for transition from the African Union Mission in the Sudan to a United Nations operation in Darfur.³⁴⁸ Furthermore, by a statement of the President dated 8 January 2007, the Council recognized the importance of a more strategic approach to the oversight and direction of peacekeeping, to maximize the prospects for successful transition in the countries concerned, and so as to make possible the most effective use of scarce peacekeeping resources. To this end, the Council requested the Secretary-General to focus in managing and reporting on peacekeeping missions on the steps

needed to achieve the objectives of the mission, both by the host Government and by the international community, and to propose to the Council, as appropriate, initiatives to accelerate the transition process.³⁴⁹

The Secretary-General was also tasked to report to the Council on the progress of the implementation of peace agreements. For example, in connection with the situation in Bosnia and Herzegovina, the Council requested the Secretary-General to continue to submit to it reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996, and later Peace Implementation Conferences, on the implementation of the Peace Agreement.³⁵⁰

Support to international and special tribunals

During the period under review, the Secretary-General was requested to make practical arrangements for the election of *ad litem* judges for the International Tribunals for the Former Yugoslavia and Rwanda.³⁵¹

The Secretary-General was also requested to take the steps and measures necessary to establish the Special Tribunal in Lebanon. By resolution 1757 (2007) the Council requested the Secretary-General, in coordination, when appropriate, with the Government of Lebanon, to undertake the steps and measures necessary to establish the Special Tribunal in a timely manner and to report to the Council within 90 days and thereafter periodically on the implementation of the resolution.³⁵²

Implementation of sanctions regimes

During the period under review, the Security Council established six sanctions regimes.³⁵³ In

³⁴⁵ Resolution 1701 (2006), para. 10.

³⁴⁶ United Nations Operations in Burundi, United Nations Mission in the Central African Republic and Chad, United Nations Operation in Côte d'Ivoire, African Union-United Nations Hybrid Operation in Darfur, United Nations Mission in the Sudan, United Nations Stabilization Mission in Haiti and United Nations Integrated Mission in Timor-Leste. For an overview of newly established peacekeeping operations, see chapter V.

³⁴⁷ United Nations Integrated Office in Burundi, United Nations Integrated Office in Sierra Leone, United Nations Advance Mission in the Sudan, United Nations Observer Mission in Bougainville, United Nations Mission in Nepal and United Nations Office in Timor-Leste. For an overview of newly established political missions, see chapter V.

³⁴⁸ Resolution 1706 (2006), para. 5.

³⁴⁹ S/PRST/2007/1.

³⁵⁰ Resolution 1722 (2006), para. 21.

³⁵¹ For more details, see chapter V.

³⁵² Resolution 1757 (2007), para. 3.

³⁵³ The Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo; the Committee established pursuant to resolution 1540 (2004) concerning non-proliferation of weapons of mass destruction; the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire; the Committee established pursuant to resolution 1591 (2005) concerning the Sudan; the Committee established pursuant to resolution 1718 (2006) concerning the

addition to providing all necessary assistance to the committees established to monitor implementation of the sanctions, the Secretary-General was requested to report immediately to the Security Council, through the Committee, any hindrance or difficulty in implementing the tasks in relation to the situation in Côte d'Ivoire.³⁵⁴

B. Matters brought to the attention of the Security Council by the Secretary-General

At its 5261st meeting, on 14 September 2005, under the item entitled "Threats to international peace and security", the Security Council adopted resolution 1625 (2005), in which it invoked Article 99 of the Charter, and affirmed its determination to strengthen United Nations conflict prevention capacities by (a) assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide information to the Council on such developments pursuant to Article 99 of the Charter.³⁵⁵ In another instance, Article 99 was invoked by a Member State in a communication: by a letter dated 8 September 2004 addressed to the President of the Security Council,³⁵⁶ the representative of Pakistan noted that the role of the Secretary-General pursuant to Article 99 was critical. He stated that more frequent use should be made of the provisions of resolutions 1296 (2000) and 1366 (2001), in which the Council encouraged the Secretary-General to convey to it his assessment of potential threats to international peace and security in accordance with Article 99.

During the period under review, the Secretary-General did not expressly invoke Article 99. However, he drew the attention of the Council to a deteriorating situation which was already on the Council's agenda, and requested the Council to consider taking appropriate action.³⁵⁷ In addition, the Secretary-General exercised

the implicit rights conferred upon him under Article 99³⁵⁸ by initiating, for example, good offices missions in respect of Myanmar, Uganda/Lord's Resistance Army, and Ethiopia and Eritrea. In the case of Myanmar, the Council welcomed the mission by the Secretary-General's Special Adviser to Myanmar, reaffirmed its strong and unwavering support for the Secretary-General's good offices mission as mandated by the General Assembly in its resolution 61/232, and expressed its appreciation for the personal engagement of the Secretary-General.³⁵⁹ In connection with Uganda/Lord's Resistance Army, by a letter dated 21 November 2007 addressed to the President of the Security Council,³⁶⁰ the Secretary-

that the United Nations should respond positively to the request of Nepal for assistance in the peace process there. He said that, over the past years, he had been consulting and working closely with all sides in Nepal to encourage a negotiated political solution to the conflict and that the current circumstances appeared to provide the best opportunity yet for achieving that aim. Therefore, he believed that the United Nations should respond immediately and concretely. It should dispatch an advance deployment of essential personnel, and it should complete rapidly the necessary technical assessment for the full deployment of a United Nations mission to deliver the assistance requested and develop a complete concept of operations for such a mission.

³⁵⁸ In the *Repertory of Practice of United Nations Organs, Supplement No. 8, vol. VI* (1989-1994), under Article 99 it is stated 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 report of the Secretary-General dated 17 June 1992 entitled "An Agenda for Peace" (S/24111, paras. 23-27) and the statement by the President of the Security Council of 30 November 1992 (S/24872). On the implementation of Article 99, see chapter X.

³⁵⁹ S/PRST/2007/37.

³⁶⁰ S/2007/719.

Democratic People's Republic of Korea; and the Committee established pursuant to resolution 1737 (2006) concerning the Islamic Republic of Iran. For further details, see chapter V.

³⁵⁴ Resolution 1584 (2005), para. 6.

³⁵⁵ Resolution 1625 (2005), para. 2.

³⁵⁶ S/2004/723.

³⁵⁷ For example, in his letter dated 22 November 2006 addressed to the President of the Security Council (S/2006/920), the Secretary-General expressed his belief

General noted that, with the renewed commitment of the parties to the peace process, it was crucial that his Special Envoy continue his good offices in the region. Regarding the situation between Eritrea and Ethiopia, by resolution 1531 (2004), the Council reiterated its support for the initiative of the Secretary-General to exercise his good offices by appointing a Special Envoy, in order to facilitate the implementation of the Algiers Agreements, the decision of the Boundary Commission, and the relevant resolutions and decisions of the Security Council.³⁶¹

³⁶¹ Resolution 1531 (2004), para. 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 in tabular form the application 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 application. The parts entitled “Consideration of the adoption or amendment of rules 58-60 of the provisional rules of procedure”, and “The roles of the General Assembly and the Security Council” do not appear in the present Supplement as no material was found for inclusion therein.

During the period under review, the Council recommended the admission of one State to membership in the United Nations.

Part I

Applications for admission to membership in the United Nations and action taken thereon by the Security Council and the General Assembly, 2004-2007

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), and section C (Action taken by the Security Council and the General Assembly on the applications submitted for membership) have been maintained from previous Supplements. The sections entitled “Applications pending on 1 January 2004”, “Applications that failed to obtain a recommendation” and “Applications pending at the end of the period under review” do not appear in the present Supplement as no material was found for inclusion therein.

A. Applications recommended by the Security Council

In the period 1 January 2004 to 31 December 2007, the Security Council recommended one State for admission to membership in the United Nations, namely, Montenegro.

B. Discussion of the question in the Security Council

The Council held two meetings¹ to consider the application of Montenegro for admission to membership.

¹ See section C below.

C. Action taken by the Security Council and the General Assembly on the applications submitted between 1 January 2004 and 31 December 2007

| <i>Applicant</i> | <i>Application and dates of submission and circulation</i> | <i>Referral to 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> |
|------------------|--|---|--|--|--|------------------------------|--|------------------------------------|---------------------------|------------------------------|
| Montenegro | S/2006/409 5.06.2006 16.06.2006 | 5471st mtg. 21.06.2006 Referred by President | 107th meeting 21.06.2006 Draft resolution recommending admission | 5473rd 22.06.2006 | Draft resolution contained in S/2006/425 adopted as resolution 1691 (2006) President made a statement (S/PRST/2006/27) | Adopted without a vote | 60th session, 91st plen. mtg. 28.06.2006 | 60/264 | Adopted by acclamation | Admitted |

* Committee on the Admission of New Members.

Part II

Presentation of applications

Material concerning the presentation of the application of Montenegro — that is, the submission of the application to the Secretary-General, its immediate communication to representatives on the Security Council pursuant to rule 59 of the provisional rules of procedure and its subsequent inclusion in the provisional agenda of the Council — may be found in the table in section C of Part I above. The application of Montenegro, submitted on 5 June 2006, was circulated by the Secretary-General on 16 June 2006 and included in the agenda of the Council on 21 June 2006.

Part III

Referral of applications to the Committee on the Admission of New Members

During the period under review, the application of Montenegro was referred by the President of the Security Council to the Committee on the Admission of New Members. There was no proposal to waive the application of rule 59 of the provisional rules of procedure.²

Part IV

Procedures in the consideration of applications within the Security Council

In connection with the application of Montenegro, the Council adopted the draft resolution submitted by the Committee on the Admission of New Members without a debate or a vote, “in accordance with the understanding reached in prior consultations among members of the Council”.³ Following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council.⁴

² 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”.

³ Resolution 1691 (2006).

⁴ S/PRST/2006/27.

Part V

Practice relative to the applicability of Articles 4, 5 and 6 of the Charter

During the period under review, the Council did not consider or take measures under Articles 5 or 6 of the Charter. In the presidential statement issued at the 5743rd meeting of the Council held to consider the admission of Montenegro to membership in the United Nations,⁵ reference was made to the criteria for membership contained in Article 4 (1).⁶

⁵ Ibid.

⁶ 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 judgement of the Organization, are able and willing to carry out these obligations”.

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 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 matters 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 each agenda 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 the 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. In such cases, a brief overview of the main provisions of the resolutions is provided.

Meetings with countries contributing troops to a peacekeeping mission are grouped with 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

Decisions of 30 January 2004 to 28 October 2005: 1523 (2004), 1541 (2004), 1570 (2004), 1598 (2005) and 1634 (2005)

At its 4905th, 4957th, 5068th, 5170th and 5295th meetings,¹ the Security Council adopted resolutions,² unanimously and without debate, by which it extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) for periods of six months,³ and reaffirmed its support for the peace plan and the efforts of the Secretary-General and his Personal Envoy, based on the recommendations contained in the reports of the Secretary-General on the situation concerning Western Sahara.⁴

In his reports, the Secretary-General provided information about the activities of his Personal Envoy; the release of all prisoners of war by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) and the situation of the political detainees and unaccounted-for persons; the implementation of the confidence-building measures; the security situation in the region and the violation of the military agreements; and the problem of illegal migration. Regarding the activities of his Personal Envoy, he briefly recapitulated the main developments of the negotiations since the beginning, namely the agreement over the settlement plan and the lack of willingness of the parties to implement it; the proposal for a draft framework agreement and its subsequent

rejection by the Frente Polisario and Algeria; the four options presented to the Security Council that would not have required the agreement of the parties; and, finally, the proposed peace plan for self-determination of the people of Western Sahara. Regarding this last point, he briefed Council members about the progress of the meetings with the authorities of Morocco and the Frente Polisario. He stressed that, while the Frente Polisario had agreed to the proposal, Morocco had clearly stated that an autonomy-based solution could only be final, rejecting the idea of a transitional period or of the possibility of independence. Thus, he considered that the positions of the parties had remained far apart, a situation that, together with the harsh public statements emanating periodically from the parties, as well as demonstrations and allegations of human rights abuses, suggested that the situation could deteriorate in the absence of a mutually acceptable solution that would provide for self-determination. He added that it was clear from past actions by the Council that there was opposition to a non-consensual solution, which left the Council with two options: to terminate MINURSO and return the issue of Western Sahara to the General Assembly; or to try again to get the parties to work towards acceptance and implementation of the peace plan.

Over the course of those meetings, the attention of the Council was drawn to a letter from Morocco, which noted, *inter alia*, that the “chronicle of grave violations of the rights of the Moroccans detained in Algerian territory” had been continuing and expressed concern over conditions in the Tindouf refugee camp.⁵ Attention was also drawn to a letter from Algeria, which responded to the letter from Morocco, stating that “rather than acknowledging the crimes committed against the Sahrawi people for three decades”, Morocco had resorted “to diatribes against its Algerian neighbour”. The letter stressed that the ““thousands of Moroccan civilians who are still in the camps”, over whom Morocco was expressing concern, “were Sahrawi refugees, duly identified by the Office of the United Nations High Commissioner for Refugees, who have had no other choice but to flee abroad as their

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 28 April 2004 (4955th), 23 January 2004 (4902nd), 25 October 2004 (5062nd), 22 April 2005 (5167th), 24 October 2005 (5291st), 25 April 2006 (5420th), 25 October 2006 (5553rd), 20 April 2007 (5665th) and 26 October 2007 (5770th).

² Resolutions 1523 (2004), 1541 (2004), 1570 (2004), 1598 (2005) and 1634 (2005).

³ Except for resolution 1523 (2004), adopted at the 4905th meeting, by which the Council extended the mandate for three months.

⁴ S/2004/39, S/2004/325, S/2004/827, S/2005/254 and S/2005/648.

⁵ S/2005/602.

homeland was being invaded and occupied by the Kingdom of Morocco and to whom Algeria has generously offered asylum". The letter concluded by urging the Security Council not to allow Morocco to stall progress on the peace plan for self-determination of the people of Western Sahara indefinitely.⁶

**Decision of 28 April 2006 (5431st meeting):
resolution 1675 (2006)**

At the 5431st meeting, on 28 April 2006, at which statements were made by the representatives of Argentina, Denmark, France, Japan, Slovakia, the United Republic of Tanzania, the United Kingdom and the United States, the Council included in its agenda the report of the Secretary-General dated 19 April 2006.⁷

In his report, the Secretary-General detailed, *inter alia*, the efforts of his Personal Envoy. However, he stressed that the question had remained at an impasse since there was a total lack of agreement on how to enable the people of Western Sahara to exercise their right to self-determination. The Secretary-General observed that a new plan would be doomed from the outset to be rejected by Morocco unless it excluded the provision of a referendum with independence as an option; but the United Nations could not endorse a plan that would exclude a genuine referendum while claiming to provide for self-determination. He stated that an indefinite prolongation of the deadlock was not acceptable as it would be "a recipe for violence" and thus, direct negotiations without preconditions was the only recourse remaining. Nonetheless, he noted that, while no country would admit that it favoured a continuation of the impasse, it was clear that there were two factors that combined to create a "powerful temptation" to acquiesce to the impasse: Western Sahara was not high on the local political agenda; and there was great store set on continuing good relations with both Morocco and Algeria. He concluded by stressing that the Council could not wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security, but needed to work to get negotiations off the ground.

The President (China) drew the attention of the Council to letters from Algeria and Namibia dated 24 and 26 April 2006, respectively, expressing concern over attempts to legalize "the occupation of Western Sahara" through proposals of solutions based on the denial of the right of the people to self-determination; and expressing strong support for the peace plan, which had been approved by the Security Council.⁸

Most representatives stressed that they had voted in favour of extending the mandate of MINURSO hoping that the parties would use that time to make real progress towards reaching a mutually acceptable solution. They emphasized also that they could not impose a solution so any plan would have to be mutually acceptable.⁹ The representative of the United States, noting that Morocco had expressed the intention of putting forward "an autonomy plan for the territory", encouraged Morocco to submit a plan that was "strong and credible" to serve as the basis of a new United Nations-led negotiating process.¹⁰ The representative of the United Republic of Tanzania stressed that the right of self-determination of the people of Western Sahara could not be subject to any preconditions.¹¹

The President drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹² it was then put to the vote and adopted unanimously as resolution 1675 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 31 October 2006; decided to remain seized of the matter.

⁸ S/2006/258 (Algeria) and S/2006/266 (Namibia).

⁹ S/PV.5431, p. 2 (United States); pp. 2-3 (United Kingdom); p. 3 (Denmark, Japan); pp. 3-4 (Argentina); p. 4 (France, Slovakia, United Republic of Tanzania).

¹⁰ *Ibid.*, p. 2.

¹¹ *Ibid.*, p. 4.

¹² S/2006/268.

⁶ S/2005/605.

⁷ S/2006/249, submitted pursuant to resolution 1634 (2005).

**Decision of 31 October 2006 (5560th meeting):
resolution 1720 (2006)**

At the 5560th meeting, on 31 October 2006, at which statements were made by the representatives of France, the United Kingdom and the United States, the Council included in its agenda the report of the Secretary-General dated 16 October 2006.¹³

In his report, the Secretary-General stated that Morocco was continuing to work on an autonomy proposal to be presented in the next few months, while the Frente Polisario had restated its attachment to the Western Saharan people's right to self-determination to be exercised in a referendum including the option of independence. While the situation had produced "a broad trend of resignation to the status quo", when the Frente Polisario were asked whether they preferred the continuation of the impasse or negotiations without preconditions, they had responded that they preferred a continuation of the impasse, even though they realized that "this could only lead to renewed armed struggle". He stressed that only an "open-ended approach" to negotiations would work and that the failure to start negotiations would constitute a major setback for Morocco, which was "anxious to obtain international recognition of its sovereignty over Western Sahara", as well as for the Frente Polisario, which risked having the international community grow "more accustomed to the control of Morocco over Western Sahara". He recommended that the Council call on the two parties, joined by Algeria and Mauritania, to enter into negotiations without preconditions with a view to achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

The representatives of France, the United Kingdom and the United States stressed that they expected the parties to use the six-month extension of the mandate of MINURSO to aggressively negotiate a mutually acceptable solution, and reiterated that a solution could not be imposed by the Council. Furthermore, the representatives of the United Kingdom and United States underlined that MINURSO could not be considered a viable alternative to a permanent solution. The representatives of France and the United States also urged Morocco to move quickly

¹³ S/2006/817, submitted pursuant to resolution 1675 (2006).

to submit a comprehensive and credible autonomy proposal.¹⁴

At the same meeting, the President (Japan) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹⁵ it was then put to the vote and adopted unanimously as resolution 1720 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 30 April 2007;

Decided to remain seized of the matter.

**Decision of 30 April 2007 (5669th meeting):
resolution 1754 (2007)**

At the 5669th meeting, on 30 April 2007, at which a statement was made by the representative of South Africa, the Council included in its agenda the report of the Secretary-General dated 13 April 2007.¹⁶

In his report, the Secretary-General provided information, *inter alia*, about the latest initiatives by the parties regarding the solution of the conflict. The representative of Morocco had submitted a "Moroccan initiative for negotiating an autonomy statute for the Sahara region", which could serve as "a basis for dialogue, negotiation and compromise", while the Secretary-General of the Frente Polisario had handed over a document summarizing its position that the question of Western Sahara was a decolonization problem that should be solved on the basis of the implementation of the principle of self-determination, and that the solution to the conflict lay in the exercise of the legitimate right to self-determination by means of a referendum. The Secretary-General again recommended that the Council call on the two parties, joined by Algeria and Mauritania, to enter into negotiations without preconditions with a view to achieving a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

¹⁴ S/PV.5560, p. 2 (United States); pp. 2-3 (France); and p. 3 (United Kingdom).

¹⁵ S/2006/850.

¹⁶ S/2007/202, submitted pursuant to resolution 1720 (2006).

The representative of South Africa expressed regret over several aspects of the draft resolution before the Council, including the use of the word “credible” when referring to the efforts made by Morocco, as it conveyed the unintended meaning that the plan of Morocco was more worthy than the one from the Frente Polisario, and the words “to move the process forward”,¹⁷ as that prejudged the situation ahead. He also complained about the fact that his delegation was given less than 24 hours to decide on the draft resolution. However, he stressed that he had decided to reluctantly support the draft resolution because he did not want to stand in the way of creating a platform whereby the people of Morocco and the people of Western Sahara would have an opportunity to negotiate among themselves.¹⁸

The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;¹⁹ it was then put to the vote and adopted unanimously as resolution 1754 (2007), by which the Council, *inter alia*:

Called upon the parties to enter into negotiations without preconditions in good faith;

Requested the Secretary-General to set up these negotiations under his auspices and invited Member States to lend appropriate assistance to such talks;

Requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of these negotiations and a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 31 October 2007.

**Decision of 31 October 2007 (5773rd meeting):
resolution 1783 (2007)**

At the 5773rd meeting, on 31 October 2007, at which a statement was made by the representative of South Africa, the Council included in its agenda the

¹⁷ The fifth preambular paragraph of resolution 1754 (2007) reads: “*Taking note* of the proposal presented by Morocco to the Secretary-General on 11 April 2007 and welcoming serious and credible Moroccan efforts to move the process forward towards resolution, and taking note also of the proposal presented by the Frente Popular para la Liberación de Saguía el Hamra y de Río de Oro to the Secretary-General on 10 April 2007”.

¹⁸ S/PV.5669, pp. 2-3.

¹⁹ S/2007/238.

report of the Secretary-General dated 19 October 2007.²⁰

In his report, the Secretary-General stated, regarding the meetings that were held between the parties, that both parties had confirmed their respect for self-determination and their commitment to collaborating with the United Nations, as well as acknowledging that the current status quo was unacceptable. Yet, their positions had remained far apart and the negotiations had not been resumed. The main problems were the definition of “self-determination” and the distinction between “preconditions” and “fundamental positions”. He explained that neither the view of Morocco that its sovereignty over Western Sahara should be recognized, nor that of the Frente Polisario that the final status of the territory should be decided in a referendum with independence as an option, could be accepted as preconditions, though were widely known to be the respective parties’ fundamental positions. However, these fundamental positions had prevented each party from seriously discussing the other party’s proposal. He recommended that the Council call on the parties to enter into “genuine negotiations” to ensure a more substantial implementation of resolution 1754 (2007).

The representative of South Africa expressed regret that the draft resolution before the Council did not include any mention of human rights violations in Western Sahara, and he considered that the omission, *vis-à-vis* the fact that the Security Council “is very vocal about human rights issues in other parts of the world”, would be seen as a double standard on the part of the Council. He added that “this double standard is the reason that people sometimes do not take the decisions of this Council seriously”. He stated that his delegation continued “to be amazed by the relentless attempts by some members of this Council to try to describe the Moroccan proposal as being ‘a serious and credible effort to move the resolution forward’. The fact is that the Moroccan proposal for autonomy is a unilateral attempt to prevent the Sahrawi people from claiming their right to self-determination”. He considered that any attempt to place one proposal over the other would undermine the negotiation process. In conclusion, he stated that the need to extend the mandate of MINURSO was important enough to

²⁰ S/2007/619, submitted pursuant to resolution 1754 (2007).

support the draft resolution in spite of the reservations.²¹

The President (Ghana) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, Spain, the United Kingdom and the United States;²² it was then put to the vote and adopted unanimously as resolution 1783 (2007), by which the Council, *inter alia*:

²¹ S/PV.5773, pp. 2 and 3.

²² S/2007/637.

Called upon the parties to enter into negotiations without preconditions in good faith;

Requested the Secretary-General to provide a report by 31 January 2008 on the status and progress of those negotiations and a report on the situation in Western Sahara before the end of the mandate period;

Decided to extend the mandate of MINURSO until 30 April 2008.

2. The situation in Liberia

Decision of 12 March 2004 (4925th meeting): resolution 1532 (2004)

At the 4925th meeting,¹ on 12 March 2004, the President (France) drew the attention of the Security Council to a draft resolution.² It was then put to the vote and adopted, unanimously and without debate, as resolution 1532 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that, to prevent former Liberian President Charles Taylor, his immediate family members, in particular Jewell Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established by paragraph 21 of resolution 1521 (2003) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States in which there were, at the date of adoption of resolution 1521 (2003) or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewell Howard Taylor, and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds,

other financial assets and economic resources, and shall ensure that neither these nor any other funds, other financial assets or economic resources were made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons;

Decided to review the measures imposed in paragraph 1 of the resolution at least once a year, the first review taking place by 22 December 2004 in conjunction with its review of the measures imposed in paragraphs 2, 4, 6 and 10 of resolution 1521 (2003), and to determine at that time what further action is appropriate.

Decision of 17 June 2004 (4991st meeting): resolution 1549 (2004)

At its 4981st meeting, on 3 June 2004, the Council included in its agenda the report of the Secretary-General regarding Liberia.³ In his report, the Secretary-General observed that there had been general respect for and maintenance of the ceasefire in Monrovia and other parts of the country since December 2003, although a number of minor ceasefire violations perpetrated by elements of all three armed groups had been reported outside the capital. He stressed that much remained to be done to rigorously apply and implement the recommendations for reform of the timber sector in a transparent and accountable manner and that the National Transitional Government of Liberia was making gradual progress in preparing its application to join the Kimberley Process Certification Scheme for diamonds. He added that the assistance provided by some Member States and international organizations to the National Transitional Government

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 Liberia, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 15 September 2004 (5034th), 12 September 2005 (5258th), 24 March 2006 (5395th), 25 September 2006 (5534th), 22 March 2007 (5643rd) and 6 September 2007 (5737th).

² S/2004/189.

³ S/2004/428, submitted pursuant to resolution 1521 (2003).

of Liberia in its efforts to reform the timber industry and adhere to the Kimberley Process was vital to enabling Liberia to make progress towards meeting the goals and objectives of resolution 1521 (2003), which could facilitate an early review of existing sanctions.

The Council also included in its agenda the third progress report of the Secretary-General on the United Nations Mission in Liberia (UNMIL).⁴ In his report, the Secretary-General observed that UNMIL continued to make steady progress in stabilizing Liberia and creating the necessary security conditions for the full implementation of the Comprehensive Peace Agreement, as well as the delivery of humanitarian assistance and the commencement of the national recovery. He noted that the deployment of UNMIL troops throughout the country was almost complete, and the implementation of the disarmament, demobilization, rehabilitation and reintegration programme was on track. He underlined that the mechanisms for monitoring the implementation of the Comprehensive Peace Agreement were also functioning more effectively. However, he pointed out that the security situation could again turn volatile until the disarmament and demobilization of combatants was completed. He appealed to Member States to provide the assistance for the police service in Liberia as well as for the programme for the reintegration of former combatants and the repatriation of non-Liberian combatants and commended the United States for its provision of assistance for the restructuring and training of Liberia's armed forces. Finally, he remarked on the importance of beginning the preparations for the 2005 elections as soon as possible, considering the numerous difficulties facing the electoral process.

At the same meeting, the Council heard briefings by the Special Representative of the Secretary-General for Liberia and the Chairman of the National Transitional Government of Liberia, following which all Council members made statements.

The Special Representative of the Secretary-General for Liberia affirmed that the deployment throughout Liberia had greatly improved security along its long and porous borders. Nonetheless, he pointed out that there were worrying signs because some of the heavy weapons had not yet been turned in. He expressed the view that the Council needed to reiterate its strong support for the October 2005 election date and its insistence that the elections would be held as

scheduled. He noted that concrete measures were being taken to enhance inter-mission cooperation, in particular the sharing of assets and military information, in cooperation with their colleagues in the United Nations Mission in Sierra Leone, the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Office for West Africa. Finally, he highlighted the fact that the National Transitional Government of Liberia badly needed reliable sources of revenue in order to function effectively. All necessary support needed to be given to the Government of Liberia so it could meet the requirements of resolution 1521 (2003) and allow for the lifting of sanctions.⁵

The Chairman of the National Transitional Government of Liberia affirmed that he was there for one primary reason: "to plead with the Council to lift the sanctions on my country", specifically on timber and diamonds. Noting that the primary reason for the imposition of the sanctions had been that the resources were being used by the "erstwhile Government" to purchase arms for the purposes of fuelling conflict within the subregion and suppressing its people, he underscored that the war was over and that Liberia was at peace with its neighbours. He affirmed that the Transitional Government was committed to the rule of law, human rights and social justice, as well as to using the natural resources of the country for the benefit of all the people. He underlined that they had taken a series of actions to meet the requirement of the Council for lifting sanctions on the export of their timber products and that they had submitted themselves to the internationally recognized Kimberley Certification Process. He also welcomed the decision of the Government of the United States to unilaterally lift sanctions on the importation of diamonds from Liberia.⁶

The majority of the speakers highlighted the deployment of UNMIL, the resumption of the disarmament process as well as the achievements made by the National Transitional Government of Liberia, including the action taken to restore State control over natural resources. Most of the representatives welcomed the efforts of coordination between the various United Nations peacekeeping operations in West Africa. A number of representatives expressed

⁴ S/2004/430 and Corr.1.

⁵ S/PV.4981, pp. 2-6, 26-27.

⁶ Ibid., pp. 6-10.

concern about the fact that arms trafficking had not been dismantled. Some speakers remarked on the importance of Liberia for peace and stability in the West African region as a whole. A few speakers welcomed the holding of the summit of the Mano River Union towards the activation of dialogue and cooperation among the States of the region. The majority of representatives declared that, in considering when to lift the sanctions, they would continue to follow the progress made by Liberia.

The representative of the United States expressed concern about the fact that the civilian staffing for UNMIL was behind schedule and stressed that the Special Representative needed to have all the means necessary to carry out his work. He emphasized that all parts of the United Nations system involved in the disarmament, demobilization, rehabilitation and reintegration process needed to begin the rehabilitation and reintegration phase immediately. He observed that a “history of corrupt practices in Liberia had fostered an environment in which abuses of power had been permitted to flourish”. He believed that the time had come for the National Transitional Government to establish transparent accounting and auditing mechanisms to ensure that all Government revenues were employed to improve the lives of all Liberians. Finally, he held the view that former President Charles Taylor remained a threat to Liberia and that he needed to be held “accountable for his actions in Sierra Leone” and appear before the Special Court.⁷

The representative of China endorsed the idea that the Security Council needed to make a decision on the sanctions on Liberia as soon as possible.⁸

Noting that the sanctions had been imposed for the sake of peace in Liberia and that the Government had become a partner for peace of the Security Council, the representative of Algeria stressed that the issue of sanctions no longer needed to be a “source of controversy between Liberia and the Council”.⁹

The representative of Angola recognized that the results achieved by UNMIL had exceeded expectations. He opined that the Council should therefore respond to the plea made by the Chairman of the National

Transitional Government of Liberia concerning the lifting of sanctions.¹⁰

The representative of Germany suggested that UNMIL could become a model for the new type of multidimensional peacekeeping missions the Council had been aiming at. In particular, he cited the use of quick-impact projects as a useful tool that might have potential for other peacekeeping missions.¹¹

The representative of Benin expressed concern about the delay in reviewing, ratifying and issuing certain important legal texts, especially those on human rights. He warned about the need to ensure that truly national political parties were created, free of all regionalist, ethnic or tribal tendencies and answering solely to the precise criteria established in advance by a charter of parties. He added that an evaluation of the impact of sanctions imposed against individuals was required in order to ensure their effectiveness since available information would seem to indicate that resolution 1532 (2004) had had “only limited effect on the targeted individuals”.¹²

The representative of Pakistan emphasized the clear distinction between the arms and travel bans, on the one hand, and the economic sanctions on diamonds and timber, on the other; and expressed support for the lifting of the diamond sanctions given the progress made by the authorities of Liberia on that issue.¹³

At its 4991st meeting, on 17 June 2004, the Council included in its agenda the report of the Secretary-General dated 26 May 2004,¹⁴ as well as a letter dated 1 June 2004 from the Chairman of the Committee established pursuant to resolution 1521 (2003) concerning Liberia,¹⁵ transmitting the report of the Panel of Experts pursuant to paragraph 22 of resolution 1521 (2003). In its report, the Panel of Experts observed that, although there had been no evidence of weapons trafficking into Liberia since August 2003, the sanctions on arms needed to remain. The Panel underlined that the National Transitional Government of Liberia was currently applying the regulations of international civil aviation and had begun taking steps towards the establishment of an

⁷ Ibid., pp. 10-12.

⁸ Ibid., p. 14.

⁹ Ibid., p. 15.

¹⁰ Ibid., pp. 17-19.

¹¹ Ibid., p. 19.

¹² Ibid., p. 21.

¹³ Ibid., p. 23.

¹⁴ S/2004/428.

¹⁵ S/2004/396.

effective certificate of origin scheme for trade in rough diamonds. The Panel also maintained that the sanctions on Liberia had contributed to ending the armed conflict in the country despite some adverse effects, such as the high rates of unemployment.

The President (Philippines) drew the attention of the Council to a draft resolution;¹⁶ it was then put to the vote and adopted unanimously and without debate as resolution 1549 (2004), by which the Council, *inter alia*:

Decided to re-establish the Panel of Experts appointed pursuant to Council resolution 1521 (2003) for a further period to commence no later than 30 June until 21 December 2004 to undertake the following tasks: (a) to conduct a follow-up assessment mission; (b) to assess the progress made towards the goals described in paragraph 5, 7 and 11 of resolution 1521 (2003); (c) to monitor the implementation and enforcement of the measures imposed by resolution 1532 (2004); and (d) to assess the socioeconomic and humanitarian impact of the measures imposed by both resolutions;

Further requested the Panel to provide a midterm report to the Council no later than 30 September 2004 and a final report by 10 December 2004;

Requested the Secretary-General to appoint five experts by 30 June to fulfil the Panel's mandate;

Urged all States and relevant organizations to cooperate fully with the Committee and the Panel of Experts.

Decision of 17 September 2004 (5036th meeting): resolution 1561 (2004)

At its 5036th meeting, on 17 September 2004, the Council included in its agenda the fourth progress report of the Secretary-General on UNMIL.¹⁷ In his report, the Secretary-General observed that the capacity of the National Transitional Government of Liberia to deliver basic services and extend civil administration throughout the country remained limited. He expressed concern about the problems that the Government was encountering in functioning as a cohesive administration. He welcomed the establishment of a high-level National Transitional Government of Liberia-United Nations-Economic Community of West African States consultative mechanism and noted the progress of the National Elections Commission.

A statement was made by the representative of the United States,¹⁸ who affirmed that it was the policy of his Government to ensure that members of the armed services of his country participating in United Nations peace operations were "protected from criminal prosecution or other assertion of jurisdiction by the International Criminal Court". Nevertheless, in that instance, the United States maintained that there were sufficient bilateral protections with the Government of Liberia to facilitate continued United States participation in UNMIL, even though there were no express provisions providing such protection for personnel in the mandate extension.¹⁹

The President (Spain) drew the attention of the Council to a draft resolution;²⁰ it was then put to the vote and adopted unanimously as resolution 1561 (2004), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIL until 19 September 2005;

Called on all Liberian parties to demonstrate their full commitment to the peace process and to work together to ensure that free, fair and transparent elections took place as planned no later than October 2005;

Requested the Secretary-General through his Special Representative to continue to report periodically to the Council on progress made by the Mission in the implementation of its mandate.

Decision of 21 December 2004 (5105th meeting): resolution 1579 (2004)

At its 5105th meeting, on 21 December 2004, the Council included in its agenda a letter dated 23 September 2004 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the midterm report of the Panel of Experts pursuant to paragraph 2 of resolution 1549 (2004).²¹ In its report, the Panel of Experts observed that corruption remained widespread in Liberia, and that the humanitarian situation was critical. The Panel emphasized that UNMIL remained hampered by the Security Council mandate, which did not provide the Mission with full executive authority that allowed, for example, the arrest of those undermining peace or

¹⁶ S/2004/495.

¹⁷ S/2004/725.

¹⁸ The representative of Liberia was invited to participate in the meeting but did not make a statement.

¹⁹ S/PV.5036, p. 2.

²⁰ S/2004/740.

²¹ S/2004/752.

failing to disarm. It also pointed out that few of the necessary reforms in the timber sector had been implemented and that it was unlikely that the Government of Liberia would be able to meet the full requirements necessary for its participation in the Kimberley Process Certification Scheme for some time.

The Council also included in its agenda a letter dated 6 December 2004 from the Chairman of the Committee established pursuant to resolution 1521 (2003), transmitting the report of the Panel of Experts pursuant to paragraph 2 of resolution 1549 (2004).²² In its report, the Panel observed that the efforts of the National Transitional Government of Liberia to satisfy the requirements of the Security Council for the lifting of the embargo on the export of Liberian rough diamonds remained hampered by a lack of funding and institutional capacity. The Panel indicated that the first full-year budget of the National Transitional Government had not given any sign of macro-economic policy orientation and that there had been large variations between the purposes for which amounts had been sanctioned by the Legislative Assembly and the purposes for which the funds had been actually spent.

A statement was made by the representative of the United States,²³ who supported the ongoing efforts of the United Nations to ensure peace and stability in Liberia and the region, and its recognition that the premature lifting of sanctions at that time “would threaten the re-emergence of armed conflict”. He added that the United States was actively engaged in assisting the authorities of Liberia to restructure both Liberia’s timber and diamond sectors as a means to expedite the eventual lifting of sanctions, once necessary and appropriate control mechanisms had been established.²⁴

The President (Algeria) drew the attention of the Council to a draft resolution submitted by France, Germany, Romania, Spain, the United Kingdom and the United States;²⁵ it was then put to the vote and adopted unanimously as resolution 1579 (2004), by

which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the resolution, and to review them after six months; to renew measures on timber imposed by paragraph 10 of resolution 1521 (2003) for a further period of 12 months and to review them after six months; to renew measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) for a further period of six months but to review them after three months in the light of the Kimberley Process visit and preliminary report of the Expert Panel requested in paragraph 8 of the resolution;

Decided to re-establish the Panel of Experts appointed pursuant to resolution 1549 (2004) for a further period until 21 June 2005.

**Decision of 21 June 2005 (5208th meeting):
resolution 1607 (2005)**

At its 5208th meeting, on 21 June 2005, the Council included in its agenda a letter dated 13 June 2005 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 8 (e) of resolution 1579 (2004).²⁶ In the report, the Panel of Experts expressed concern about the recruitment of combatants by insurgents in Liberia, mainly to fight in Côte d’Ivoire and Guinea; the probability of some involvement of Liberians in the assassination attempt on the President of Guinea; the effectiveness of the embargo on the export of diamonds; and the lack of transparency and accountability in the Liberian system. The Panel pointed out that the UNMIL deployment was complete, but its limited mandate undermined the Mission’s ability to exert authority throughout Liberia. It recommended, *inter alia*, cooperation between the various United Nations missions in the subregion and a robust mandate to UNMIL to assist the National Transitional Government of Liberia and any future Government with its control of illegal mining.

The Council also included in its agenda the report of the Secretary-General of 7 June 2005.²⁷ In his report, the Secretary-General observed that the conclusion of the disarmament and demobilization

²² S/2004/955.

²³ The representative of Liberia was invited to participate in the meeting but did not make a statement.

²⁴ S/PV.5105, pp. 2-3.

²⁵ S/2004/981.

²⁶ S/2005/360.

²⁷ S/2005/376, submitted pursuant to resolution 1579 (2004).

process and the dissolution of the armed factions had signalled the successful completion of the implementation of the ceasefire agreement and that the progress made towards organization of the October 2005 elections provided hope that the peace process would be brought to a successful conclusion. He suggested that the Council might consider broadening the mandate and increasing the resources of UNMIL to enable it to assist the National Transitional Government in providing security in the diamond- and timber-producing areas.

The representative of Liberia was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;²⁸ it was then put to the vote and adopted unanimously and without debate as resolution 1607 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003), to renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) for a further period of six months;

Urged UNMIL to intensify its efforts, as mandated in resolution 1509 (2003), to assist the National Transitional Government of Liberia in re-establishing its authority throughout Liberia, including diamond-producing and timber-producing areas, and restoring proper administration of natural resources;

Decided to re-establish the Panel of Experts appointed pursuant to resolution 1579 (2004) for a further period until 21 December 2005;

Requested the Secretary-General, acting in consultation with the Committee, to appoint as soon as possible no more than five experts, with the appropriate range of expertise, in particular on arms, timber, diamonds, finance, humanitarian and socioeconomic and any other relevant issues.

Decision of 19 September 2005 (5263rd meeting): resolution 1626 (2005)

At its 5263rd meeting, on 19 September 2005, the Council included in its agenda the eighth progress report of the Secretary-General on UNMIL.²⁹ In his report, the Secretary-General observed the determination of the Liberian people to participate in the polls and the peaceful manner in which the

²⁸ S/2005/401.

²⁹ S/2005/560.

electoral process had been conducted so far. He indicated that the UNMIL was then moving towards a new phase of its operations which would focus on the conduct of free and fair elections, as well as the provision of security during the elections and in the run-up to the installation of the new Government in January 2006.

The President (Philippines) drew the attention of the Council to a draft resolution;³⁰ it was put to the vote and adopted unanimously and without debate as resolution 1626 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of UNMIL should be extended until 31 March 2006;

Authorized UNMIL to deploy from November 2005 up to 250 United Nations military personnel to Sierra Leone to provide security for the Special Court for Sierra Leone;

Authorized a temporary increase in the UNMIL personnel ceiling, to a total of 15,250 United Nations military personnel, for the period from 15 November 2005 to 31 March 2006 in order to ensure that the support provided to the Court did not reduce the capabilities of the Mission in Liberia during its political transition period;

Authorized UNMIL to deploy an adequate number of military personnel to Sierra Leone, if and when needed, to evacuate UNMIL military personnel deployed to Sierra Leone and officials of the Special Court for Sierra Leone in the event of a serious security crisis affecting those personnel and the Court.

Decision of 11 November 2005 (5304th meeting): resolution 1638 (2005)

At the 5304th meeting, on 11 November 2005, the President (Russian Federation) drew the attention of the Council to a draft resolution submitted by Denmark, the United Kingdom and the United States.³¹ Statements were made by the representatives of Argentina and Brazil.

The representative of Brazil emphasized that the promotion of the rule of law in a country needed to be exercised primarily by national institutions, with international assistance if so requested; and that adherence to the rule of law needed to be based on strict observance of the domestic legal framework and of international law.³²

³⁰ S/2005/591.

³¹ S/2005/710.

³² S/PV.5304, p. 2.

The representative of Argentina stressed that peace could never really be achieved until those who had committed the gravest crimes against humankind were brought to justice and he therefore supported the mandate given to UNMIL to “apprehend Mr. Charles Taylor” and to facilitate his transfer to the Special Court for Sierra Leone for prosecution in the event that he returned to Liberia.³³

The draft resolution was put to the vote and adopted unanimously as resolution 1638 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of UNMIL should include the following additional element: to apprehend and detain former President Charles Taylor in the event of a return to Liberia and to transfer him or facilitate his transfer to Sierra Leone for prosecution before the Special Court for Sierra Leone and to keep the Government of Liberia, the Government of Sierra Leone and the Council fully informed;

Decided to remain actively seized of the matter.

**Decision of 20 December 2005 (5336th meeting):
resolution 1647 (2005)**

At its 5336th meeting, on 20 December 2005, the Council included in its agenda a letter dated 7 December 2005 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 14 (e) of resolution 1607 (2005).³⁴ In its report, the Panel of Experts noted the insufficient measures taken by Liberia to fulfil the requirements for lifting sanctions and it recommended that the Government of Liberia needed to further endeavour to demonstrate its commitment to transparency and accountability.

The representative of Liberia was invited to participate in the discussion. The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by Denmark, France, Japan, Romania, the United Kingdom and the United States;³⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1647 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003) to renew the measures on arms and travel imposed by resolution 1521 (2003) for a further period of 12 months; to renew the measures on diamonds and timber for a further period of six months; to renew the above measures at the request of the new Government of Liberia, once the Government reported to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provided the Council with information to justify its assessment;

Reiterated the Council’s readiness to terminate these measures once the conditions set forth in resolution 1521 (2003) had been met;

Called on the international donor community to support the incoming Government of Liberia by providing generous assistance to the peace process, including for reintegration of ex-combatants, reconstruction and humanitarian appeals;

Decided to re-establish the Panel of Experts appointed pursuant to resolution 1607 (2005) for a further period until 21 June 2006;

Requested the Secretary-General to appoint no more than five experts, with the appropriate expertise, in particular on arms, timber, diamonds, finance, humanitarian and socioeconomic issues, and further requested the Secretary-General to make the necessary financial and security arrangements to support the work of the Panel.

**Deliberations of 17 March 2006
(5389th meeting)**

At the 5389th meeting, on 17 March 2006, statements were made by all the members of the Council as well as the President of Liberia.

The President of Liberia affirmed that their strategy for peacebuilding was constructed on four pillars, focusing on security, the rule of law and governance, economic revitalization and basic services, and infrastructure. She assured the Council that her Government was putting in place mechanisms that would enhance transparency in governance, consistent with the requirements for the lifting of timber and diamond sanctions. She informed Council members about the establishment of the Truth and Reconciliation Commission, the reconstitution of Liberia’s Supreme Court and the formulation of an anti-corruption action plan. She mentioned her request to the President of Nigeria to consult with colleagues in the subregion and in the international community on the resolution of the issue of former President Charles Taylor. Finally, she urged the Council to maintain its support for UNMIL

³³ *Ibid.*, p. 2.

³⁴ S/2005/745.

³⁵ S/2005/792.

and the donor countries and organizations to contribute to the recovery and development agenda.³⁶

The majority of speakers recognized the new signs of recovery and reform in Liberia; the example of the President of Liberia as the first woman to be elected head of State in Africa in full respect for democratic principles; and the commitment of the President of Liberia to promoting national reconciliation and reforming the diamond and timber sectors. Most of the speakers expressed, *inter alia*, the necessity of the presence of UNMIL and support for the talks between the Presidents of Liberia and Nigeria and other African leaders on sending the former President Charles Taylor to the Special Court for Sierra Leone. A number of representatives called for a review of the sanctions regime. A few speakers also expressed concern about the fragile and unstable regional environment, specifically in Côte d'Ivoire.

**Decision of 31 March 2006 (5406th meeting):
resolution 1667 (2006)**

At its 5406th meeting, on 31 March 2006, the Council included in its agenda the tenth progress report of the Secretary-General on UNMIL.³⁷ In his report, the Secretary-General observed that the installation of the new democratically elected Government of Liberia had marked the completion of the two-year transition process set out in the Comprehensive Peace Agreement signed by the Liberian parties in August 2003 and that the President of Liberia had shown commendable determination in harnessing the opportunities and fulfilling the hopes of the people of Liberia. He underlined that the Transitional Government had not been able to meet the conditions for the lifting of timber and diamond sanctions. He remarked that the continued presence of UNMIL remained indispensable during the consolidation phase and, therefore, recommended the extension of the mandate of UNMIL and the increase of the Mission's police strength.

The representative of Liberia was invited to participate in the discussion and a statement was made by the representative of France. The representative of France welcomed the arrest and the transfer to the special court for Sierra Leone of Charles Taylor and wished to pay a sincere tribute to the President of Nigeria for his decisive action and to the Liberian

authorities for their determination to ensure "that justice is finally done". He emphasized that any attempt to separate the situation in Liberia from that in Côte d'Ivoire made no sense and that the Council needed to pay particular attention to what Africans were telling them.³⁸

The President (Argentina) drew the attention of the Council to a letter dated 22 March 2006 from the Secretary-General addressed to the President of the Security Council³⁹ and a draft resolution.⁴⁰ The draft resolution was then put to the vote and adopted unanimously as resolution 1667 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of UNMIL should be extended until 30 September 2006;

Decided to extend the provisions of paragraph 6 of resolution 1626 (2005) for the period specified above;

Reaffirmed its intention to authorize the Secretary-General to redeploy troops between UNMIL and the United Nations Operation in Côte d'Ivoire on a temporary basis in accordance with the provisions of resolution 1609 (2005), as needed;

Requested the Secretary-General to review his recommendations for a drawdown plan for UNMIL and to present further recommendations in his next regular report to the Council on the progress of the Mission in the implementation of its mandate.

³⁸ S/PV.5406, pp. 2-3.

³⁹ S/2006/184. In the letter, the Secretary-General noted the recent developments in the political process in Côte d'Ivoire and called for a reinforcement of the United Nations Operation in Côte d'Ivoire (UNOCI) beyond the interim arrangements. For more information, see sect. 13 (The situation in Côte d'Ivoire) of the present chapter, or chap. V, part I, sect. F.14 (UNOCI).

⁴⁰ S/2006/202.

³⁶ S/PV.5389, pp. 2-4.

³⁷ S/2006/159.

**Decision of 13 June 2006 (5454th meeting):
resolution 1683 (2006)**

At its 5454th meeting, on 13 June 2006, the Council invited the representative of Liberia to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution,⁴¹ it was then put to the vote and adopted unanimously and without debate as resolution 1683 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the measures imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) should not apply to the weapons and ammunition already provided to members of the Special Security Service for training purposes and that those weapons could remain in the custody of the Special Security Service for unencumbered operational use;

Also decided that those measures should not apply to limited supplies of weapons and ammunition intended for the use for the Government of Liberia police and security forces who had been vetted and trained since the inception of UNMIL;

Decided that a request made in accordance with paragraph 2 of the resolution should be submitted to the Committee by the Government and the exporting State, and, in case of approval, the Government should subsequently mark the weapons, maintain a registry of them and formally notify the Committee of those steps;

Reiterated the importance of continuing assistance by the Mission and requested it to inspect inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 of the resolution and to make periodic reports to the Committee.

**Decision of 20 June 2006 (5468th meeting):
resolution 1689 (2006)**

At its 5468th meeting, on 20 June 2006, the Council included in its agenda a letter dated 7 June 2006 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 9 (e) of resolution 1647 (2005).⁴² The Panel noted that, regarding timber, the sanctions were generally effective and there was no evidence of exports. The President of Liberia had also declared all logging concessions null and void due to their failure to comply with the rule of law. Regarding diamonds, the Panel noted that a lack of government capacity and the absence of a clear mandate of interdiction for

⁴¹ S/2006/370.

⁴² S/2006/379.

UNMIL had hampered efforts to curb illegal digging in the interior.

The representative of Liberia was invited to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution;⁴³ it was then put to the vote and adopted unanimously and without debate as resolution 1689 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided not to renew the measure in paragraph 10 of resolution 1521 (2003) that obligated Member States to prevent the import into their territories of all round log and timber products originating in Liberia;

Decided to review that decision after a period of 90 days and expressed its determination to reinstate the measure in paragraph 10 of resolution 1521 (2003) unless the Council was informed by that time that the forestry legislation proposed by the Forest Reform Monitoring Committee had been passed;

Urged the speedy adoption of the forestry legislation proposed by the Forest Reform Monitoring Committee;

Further decided that the measures imposed by paragraph 6 of resolution 1521 (2003) should be renewed for an additional six months with a review by the Council after four months, to allow the Government of Liberia sufficient time to establish an effective certificate of origin regime for trade in Liberian rough diamonds;

Requested that the Secretary-General renew for an additional six months the mandate of the Panel of Experts re-established according to paragraph 9 of resolution 1647 (2005), and requested that the Panel of Experts report to the Council through the Committee no later than 15 December 2006 its observations and recommendations.

**Decision of 13 July 2006 (5487th meeting):
resolution 1694 (2006)**

At its 5487th meeting, on 13 July 2006, the Council included in its agenda the eleventh progress report of the Secretary-General on UNMIL.⁴⁴ In his report, the Secretary-General observed that the country's relative stability had allowed increased freedom of movement, facilitated the return of refugees and internally displaced persons and aided the gradual resurgence of economic activity. However, serious disturbances created by former personnel of the Armed Forces and others underlined the fragility of peace. He stressed that the relative stability continued to overwhelmingly rely on the presence of UNMIL, as

⁴³ S/2006/413.

⁴⁴ S/2006/376.

Liberia did not yet have its own army and the new police force was still in the formative stages.

The representative of Liberia was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution submitted by the United States of America;⁴⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1694 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to increase the authorized size of the UNMIL civilian police component by 125, and to decrease the authorized size of the military component by 125, from the current authorized levels.

Decision of 29 September 2006 (5542nd meeting): resolution 1712 (2006)

At its 5542nd meeting, on 29 September 2006, the Council included in its agenda the twelfth progress report of the Secretary-General on UNMIL.⁴⁶ In his report, the Secretary-General observed that despite progress that had been made in implementing a number of important structural reforms, Liberia remained heavily dependent on UNMIL for the provision of security, particularly in the light of the volatile situation in the subregion, particularly in Côte d'Ivoire.

The representative of Liberia was invited to participate in the discussion. The President (Greece) drew the attention of the Council to a draft resolution,⁴⁷ it was then put to the vote and adopted unanimously and without debate as resolution 1712 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of UNMIL should be extended until 31 March 2007;

Reaffirmed its intention to authorize the Secretary-General to redeploy troops between UNMIL and the United Nations Operation in Côte d'Ivoire on a temporary basis in accordance with the provisions of resolution 1609 (2005), as needed;

Endorsed the Secretary-General's recommendations for a phased, gradual consolidation, drawdown and withdrawal of the UNMIL troop contingent, as the situation permitted and without compromising the security of Liberia.

⁴⁵ S/2006/509.

⁴⁶ S/2006/743.

⁴⁷ S/2006/773.

Decision of 20 December 2006 (5602nd meeting): resolution 1731 (2006)

At its 5602nd meeting, on 20 December 2006, the Council included in its agenda a letter dated 13 December 2006 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 9 (e) of resolution 1647 (2005).⁴⁸ The Panel noted that Liberia was not yet in a position to demonstrate the internal controls necessary for the Kimberley Process Certification Scheme, and thus the lifting of sanctions on diamonds was not warranted. It also noted that allegations of recruitment for the war in Côte d'Ivoire had persisted.

The representative of Liberia was invited to participate in the discussion. The President (Qatar) drew the attention of the Council to a draft resolution,⁴⁹ it was then put to the vote and adopted unanimously and without debate as resolution 1731 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003) to renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months; that the measures on arms imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) should not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the Committee established by paragraph 21 of resolution 1521 (2003); to renew the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) and renewed by paragraph 4 of resolution 1689 (2006) for an additional six months with a review by the Council after four months, to allow the Government of Liberia sufficient time to establish an effective certificate of origin regime for trade in Liberian rough diamonds that is transparent and internationally verifiable; to review any of the above measures at the request of the Government of Liberia, once the Government reported to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures had been met, and provided the Council with information to justify its assessment;

Decided to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 5 of resolution 1689 (2006) for a further period, until 20 June 2007;

⁴⁸ S/2006/976.

⁴⁹ S/2006/1001.

Requested the Secretary-General to take the necessary measures, in this exceptional instance, to reappoint the current members of the Panel of Experts as referred to in his letter to the President of the Security Council dated 27 June 2006⁵⁰ and to make the necessary financial and security arrangements to support the work of the Panel.

**Decision of 30 March 2007 (5652nd meeting):
resolution 1750 (2007)**

At its 5652nd meeting, on 30 March 2007, the Council included in its agenda the fourteenth progress report of the Secretary-General on UNMIL.⁵¹ In his report, the Secretary-General observed that the overall political situation in Liberia had remained relatively stable although the unpredictable situations in Côte d'Ivoire and Guinea created an environment that posed additional challenges to efforts to build sustained stability in Liberia.

The representative of Liberia was invited to participate in the discussion. The President (South Africa) drew the attention of the Council to a draft resolution,⁵² it was then put to the vote and adopted unanimously and without debate as resolution 1750 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided the mandate of UNMIL should be extended until 30 September 2007;

Reaffirmed its intention to authorize the Secretary-General to redeploy troops, as needed, between UNMIL and UNOCI on a temporary basis in accordance with the provisions of resolution 1609 (2005);

Called on the Government of Liberia, in close coordination with UNMIL, to take further steps towards achieving those benchmarks with a view to a phased, gradual consolidation, drawdown and withdrawal of the UNMIL troop contingent, as the situation permitted and without compromising the security of Liberia.

**Decision of 27 April 2007 (5668th meeting):
resolution 1753 (2007)**

At its 5668th meeting, on 27 April 2007, the Council invited the representative of Liberia to participate in the discussion. The President (United Kingdom) drew the attention of the Council to a draft resolution;⁵³ it was then put to the vote and adopted

⁵⁰ S/2006/438.

⁵¹ S/2007/151.

⁵² S/2007/176.

⁵³ S/2007/227.

unanimously and without debate as resolution 1753 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to terminate the measures on diamonds imposed by paragraph 6 of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1731 (2006);

Encouraged the Kimberley Process to report in 90 days to the Council on Liberia's application to the Kimberley Process and called on the Government of Liberia to carry out the recommendations of the expert mission identified for the period following admission to the Kimberley Process Certification Scheme;

Decided to review the termination of the measures in paragraph 6 of resolution 1521 (2003) after consideration of the report of the Panel of Experts.

**Decision of 20 June 2007 (5699th meeting):
resolution 1760 (2007)**

At its 5699th meeting, on 20 June 2007, the Council included in its agenda a letter dated 7 June 2007 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 9 (e) of resolution 1731 (2006).⁵⁴ The Panel noted that, as a direct consequence of the lifting of sanctions on the export of Liberia rough diamonds, Liberia had been formally admitted to membership of the Kimberley Process Certification Scheme on 4 May 2007. Noting that the Government had welcomed the lifting of sanctions on timber and diamonds, the Panel expressed concern that the lifting was likely to increase unrealistic expectations among the population about the Government's ability to provide immediate employment and improved social services. Such expectations had the potential to place undue stress on the Government's efforts to revive the economy.

The representative of Liberia was invited to participate in the discussion. The President (Belgium) drew the attention of the Council to a draft resolution;⁵⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1760 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to establish a Panel of Experts to undertake the following tasks: (a) to conduct a

⁵⁴ S/2007/340.

⁵⁵ S/2007/369.

follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003); (b) to assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004); (c) to assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson Sirleaf on 5 October 2006; (d) to assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme; (e) to report to the Council through the Committee by 6 December 2007 on all these issues; (f) to cooperate with other relevant groups of experts; (g) to identify and make recommendations regarding areas where the capacity of States in the region could be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

Called upon all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate.

Decision of 20 September 2007 (5745th meeting): resolution 1777 (2007)

At its 5745th meeting, on 20 September 2007, the Council included in its agenda the fifteenth progress report of the Secretary-General on UNMIL.⁵⁶ In his report, the Secretary-General observed that the Government had remained focused on consolidating its authority, fighting corruption, implementing the Governance and Economic Management Assistance Programme, reforming the security sector, regaining control and regulation of its natural resources and strengthening the capacity of its institutions. However, the slow progress in strengthening the security sector was a source of great concern. He noted that the proposed drawdown plan for UNMIL allowed for a gradual phased transfer of responsibility for the security of Liberia to the Government in a manner that gave it the opportunity to build its capacity.

The representative of Liberia was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;⁵⁷ it was then put to the vote and adopted unanimously and without debate as resolution 1777 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

⁵⁶ S/2007/479

⁵⁷ S/2007/549.

Decided that the mandate of UNMIL should be extended until 30 September 2008;

Reaffirmed its intention to authorize the Secretary-General to redeploy troops, as needed, between UNMIL and UNOCI on a temporary basis in accordance with the provisions of resolution 1609 (2005);

Endorsed the Secretary-General's recommendation for a reduction of 2,450 in the number of personnel deployed as part of the UNMIL military component;

Further endorsed the Secretary-General's recommendation for a reduction of 498 in the number of officers deployed as part of the UNMIL police component;

Requested the Secretary-General to monitor progress on the core benchmarks;

Expressed its intention to review by 30 September 2008 the Secretary-General's recommendations for further UNMIL reductions, in the context of the security situation in Liberia and the subregion.

Decision of 19 December 2007 (5810th meeting): resolution 1792 (2007)

At its 5810th meeting, on 19 December 2007, the Council included in its agenda a letter dated 5 December 2007 from the Chairman of the Committee established pursuant to resolution 1521 (2003) addressed to the President of the Security Council, transmitting the report of the Panel of Experts submitted pursuant to paragraph 9 (e) of resolution 1760 (2007).⁵⁸ The Panel noted that it had found no evidence of significant movements of arms or ex-combatants across Liberia's borders during the reporting period, although armed robbery rates for Monrovia had increased dramatically. That had raised the profile of the debate over rearming Liberia's security services and had highlighted some of the challenges confronting the establishment of sustainable rule of law.

The representative of Liberia was invited to participate in the discussion. The President (Italy) drew the attention of the Council to a draft resolution;⁵⁹ it was then put to the vote and adopted unanimously and without debate as resolution 1792 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

⁵⁸ S/2007/689.

⁵⁹ S/2007/742.

Decided to renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months; that Member States should notify the Committee established by paragraph 21 of resolution 1521 (2003) upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006), or paragraph 1 (b)

of resolution 1731; to review any of the above measures at the request of the Government of Liberia, once the Government reported to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures had been met, and provided the Council with information to justify its assessment;

Decided to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1760 (2007) for a further period, until 20 June 2008;

Requested the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel.

3. The situation in Somalia

Decision of 25 February 2004 (4915th meeting): statement by the President

At its 4915th meeting, on 25 February 2004, the Security Council included in its agenda the report of the Secretary-General on the situation in Somalia dated 12 February 2004.¹ In his report, the Secretary-General noted that the agreement reached at the Somali Leaders' Consultation in Nairobi had marked a breakthrough that promised to allow further progress at the Somali National Reconciliation Conference, which had stalled for some time. The next and final phase of the reconciliation process would involve the selection of members of the transitional national parliament, who in turn would elect the president for the transitional period. He stressed that progress in the political arena had to be accompanied by improvements in the security situation on the ground, which would, in turn, accord the necessary credibility to the political agreement. The Secretary-General further emphasized the necessity for the Intergovernmental Authority on Development (IGAD) frontline States to narrow differences among themselves with regard to the Somali reconciliation process and to speak with one voice. He observed that the mission to the region in November 2003 of the Security Council Committee established pursuant to

resolution 751 (1992) and the adoption of resolution 1519 (2003) had demonstrated the Council's determination to give full effect to the implementation of the arms embargo on Somalia. In accordance with the Council's request in resolution 1519 (2003), the Secretary-General announced that he had established a Monitoring Group composed of four experts, for a period of six months, based in Nairobi, with a mandate, *inter alia*, to investigate violations of the arms embargo and to provide a list of arms embargo violators for possible future action by the Council. He also reported that insecurity and violence in many parts of the country and recent tensions over control of the Sool and Sanaag regions underlined the fact that a comprehensive peace was both urgent and necessary in Somalia. Somali leaders and their militias had to be aware that they would be held accountable for continued violations of human rights.

The representative of Somalia was invited to participate in the discussion. The President (China) made a statement on behalf of the Council,² by which the Council, *inter alia*:

Reiterated its firm support for the Somali National Reconciliation process;

Called upon the Somali parties to conclude the Somali National Reconciliation Conference by establishing a viable

¹ S/2004/115 and Corr.1, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

² S/PRST/2004/3.

transitional government and working towards a comprehensive security arrangement;

Condemned those who obstructed the peace process and called on neighbouring countries to continue to participate fully in the peace process;

Called on the international community to continue its efforts to support IGAD and called on the donor countries to contribute to the Somali National Reconciliation Conference, the Trust Fund for Peacebuilding in Somalia 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;

Reiterated its readiness to assist the Somali parties and support IGAD.

**Decision of 14 July 2004 (5003rd meeting):
statement by the President**

At its 5003rd meeting, on 14 July 2004, the Council included in its agenda the report of the Secretary-General dated 9 June 2004.³ In his report, the Secretary-General observed that the outcome of the two recent meetings of the IGAD Ministerial Facilitation Committee held in Nairobi demonstrated a renewed cohesiveness among the IGAD Foreign Ministers on the issue of national reconciliation in Somalia. A coherent regional approach was essential if the Facilitation Committee was to provide political leadership during the proceedings of phase III of the peace process and the finalization of the Somali National Reconciliation Conference. Moreover, the two-month time frame, given by the IGAD Ministers to conclude the Conference, placed extraordinary pressure on the Somali parties in the region. Somali leaders had until the end of July to reach agreement on several contentious issues and form an inclusive transitional federal government for Somalia. He further urged IGAD, the African Union, the League of Arab States, the European Union and the Security Council to consider what additional measures could be taken in support of peace and reconciliation in Somalia. The active engagement of the Security Council and the putting in place of the Monitoring Group could provide much-needed impetus in that regard. The international community would also need to encourage the recent signs of harmonization of the divergent positions in the

³ S/2004/469, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

subregion vis-à-vis Somalia if the peace process were to enjoy the maximum chances of success. While violence and armed conflict continued to exacerbate vulnerabilities in Somalia and despite access constraints, aid agencies had been responding to various humanitarian crises in fluid security environments.

The representative of Somalia was invited to participate in the discussion. The President (Romania) made a statement on behalf of the Council,⁴ by which the Council, inter alia:

Reiterated its firm support for the Somali national reconciliation process and the ongoing Somali National Reconciliation Conference in Kenya;

Welcomed the launching of phase III of the Somali National Reconciliation Conference, and encouraged all parties to continue in their ongoing efforts to move the process forward and agree on a durable and inclusive solution to the conflict in Somalia and the establishment of a transitional federal government for Somalia;

Reiterated that the Somali parties should abide by and implement expeditiously the Eldoret Declaration of 27 October 2002 on the cessation of hostilities,⁵ and called on the Somali parties to continue working towards a comprehensive security arrangement for Somalia; condemned those who obstructed the peace process and reiterated that those who persisted on the path of confrontation and conflict would be held accountable;

Welcomed the decision by the African Union to dispatch a reconnaissance mission to prepare the ground for the deployment of military monitors to Somalia;

Reiterated serious concern regarding the humanitarian situation in Somalia, and called on Somali leaders to facilitate the delivery of much-needed humanitarian assistance and to assure the safety of all international and national aid workers.

**Decision of 17 August 2004 (5022nd meeting):
resolution 1558 (2004)**

At its 5022nd meeting, on 17 August 2004, the Council included in its agenda a letter dated 11 August 2004 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia, by which the Group made recommendations concerning the arms embargo.⁶

⁴ S/PRST/2004/24.

⁵ S/2002/1359, annex.

⁶ S/2004/604; the report was submitted pursuant to paragraph 6 of resolution 1519 (2003).

The President drew attention to a draft resolution;⁷ it was adopted unanimously and without debate as resolution 1558 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Requested the Secretary-General, in consultation with the Committee established pursuant to resolution 751 (1992) of 24 April 1992, to re-establish, within 30 days and for a period of six months, the Monitoring Group as referred to in paragraph 2 of resolution 1519 (2003), with the following mandate:

(a) To continue the tasks outlined in paragraphs 2 (a) to (d) of resolution 1519 (2003);

(b) To continue refining and updating information on the draft list of those who continued to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deemed appropriate;

(c) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the first report of the Monitoring Group;

(d) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(e) To provide to the Council, through the Committee, a midterm report and a final report covering all the tasks set out above.

**Decision of 26 October 2004 (5064th meeting):
statement by the President**

At its 5064th meeting, on 26 October 2004, the Council included in its agenda the report of the Secretary-General dated 8 October 2004.⁸ While commending the progress witnessed in recent weeks at the Somali National Reconciliation Conference, the Secretary-General urged Somali leaders to seize the opportunity to complete the process by electing a transitional president and support in good faith the new transitional federal government that was to be formed. He also welcomed the readiness of the African Union to deploy monitors to Somalia and encouraged the international community to support the mission of the African Union, including its disarmament, demobilization and reintegration aspect. He further

welcomed the planning efforts that were under way in Nairobi, involving the United Nations Political Office for Somalia (UNPOS), the United Nations country team, the Somalia Aid Coordination Body, the European Commission, the League of Arab States and others, to come up with a peacebuilding framework, as envisaged in the presidential statements of 31 October 2001 and 25 February 2004.⁹ Those efforts were expected to lead to the formulation of a “rapid assistance package”. He further noted that at that stage of progress in the Somali peace process, there would likely be a call for an expanded peacebuilding role and presence for the United Nations, to assist the Somali parties in implementing their agreement. At the same time, he believed that any enhanced role for the United Nations in Somalia had to be incremental and should be based on the outcome of discussions with the new government. He reiterated that political progress had to be accompanied by efforts on the part of Somali leaders to bring about tangible improvement in the security situation on the ground.

The representative of Somalia was invited to participate in the discussion. The President (United Kingdom) made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Reaffirmed its previous resolutions and the statements by its President on the situation in Somalia;

Reiterated its commitment to a comprehensive and lasting settlement of situation in Somalia;

Commended the recent progress made at the Somali National Reconciliation Conference in Nairobi;

Looked forward to the formation in the near future of a Transitional Federal Government;

Encouraged the Transitional Federal Parliament and the President to make further steps to select a Prime Minister and efficient and effective Cabinet and to develop a preliminary programme of action and timetable for the transitional period;

Commended countries and international organizations for supporting and assisting the Somali national reconciliation process;

Shared the Secretary-General’s view that there would be a call for an expanded peacebuilding role and presence for the United Nations in Somalia;

Urged Somali leaders to create a favourable environment for the future Transitional Federal Government.

⁷ S/2004/648.

⁸ S/2004/804, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

⁹ S/PRST/2001/30 and S/PRST/2004/3, respectively.

¹⁰ S/PRST/2004/38.

**Decision of 19 November 2004 (5083rd meeting):
statement by the President**

At the 5083rd meeting, held in Nairobi, on 19 November 2004,¹¹ statements were made by all Council members and the representatives of Djibouti, Ethiopia, Kenya, Nigeria and Somalia,¹² as well as by the IGAD facilitator.

Speakers commended the progress made in the Somali national reconciliation process and welcomed the election of the President of the Transitional Federal Government, the formation of the Somali parliament and the appointment of a Prime Minister. Speakers also expressed support for the decision of the African Union to deploy an observer mission in Somalia.

The representative of Kenya pointed out that, despite those achievements, the peace process faced the very critical and delicate situation of stabilizing the security situation inside Somalia before the Federal Government could relocate.¹³ Referring to the challenge posed by the need to restore peace and security throughout Somalia, the representative of Somalia noted that the new Government possessed no trained army, no organized police or any other security personnel. Therefore, he requested the Council to take the necessary steps to phase in a peacebuilding mission, including the deployment of a stabilization force in Somalia, in the most immediate future. Furthermore, he stated that a formal request to the African Union for a stabilization force, composed of 15,000 to 20,000 troops, had already been made.¹⁴ Several speakers appealed to the Council to endorse a peacekeeping mission in Somalia to improve the security situation,¹⁵ while other speakers called for an expanded peacebuilding role and presence of the United Nations in Somalia.¹⁶

¹¹ See chap. I for more information on meetings held away from the seat of the United Nations.

¹² Djibouti was represented by its Minister for Foreign Affairs, International Cooperation and Parliamentary Relations; Ethiopia was represented by its Minister for Foreign Affairs; Kenya was represented by its Minister for East African Regional Cooperation; and Somalia was represented by the President and the Prime Minister of the Somali Transitional Federal Government.

¹³ S/PV.5083, p. 5.

¹⁴ *Ibid.*, p. 7.

¹⁵ *Ibid.*, p. 4 (Djibouti); and p. 5 (Kenya).

¹⁶ *Ibid.*, p. 9 (Nigeria); p. 11 (Angola); and pp. 15-16

The representative of the United Kingdom stressed that the precondition to the deployment of a large force was the restoration of a degree of stability in Somalia. Until that objective was achieved, he expressed support for providing maximum help for the African Union observer mission.¹⁷

The President (United States) made a statement on behalf of the Council,¹⁸ by which the Council, *inter alia*:

Reaffirmed its previous resolutions and statements of its President on the situation in Somalia;

Reiterated its commitment to a comprehensive and lasting settlement of the situation in Somalia;

Commended the recent progress made in the Somali national reconciliation process, especially the establishment of the Transitional Federal Parliament;

Commended member States of IGAD in particular and other countries and international organizations for supporting and assisting the Somali reconciliation process;

Reaffirmed its support for the commitment of the African Union to assist in the transitional process, in particular the planning for a mission in Somalia;

Encouraged donor countries and organizations to provide support to the efforts of the future Somali government and institutions to ensure their ability to function inside Somalia and to assist in the reconstruction of Somalia.

**Decision of 7 March 2005 (5135th meeting):
statement by the President**

In his report dated 18 February 2005,¹⁹ the Secretary-General observed that the IGAD peace process had produced a power-sharing arrangement for a transitional period in Somalia, which stretched over a period of five years. While that had clearly been the most inclusive peace process ever, involving all clans and most major faction leaders, it could not be said that either peace or reconciliation had been achieved or that the fighting inside Somalia had ceased. Recalling the request made by the President of the Transitional Federal Government after his election for a large number of peacekeepers from the African Union to help the Transitional Federal Government to relocate to Somalia, a consensus had emerged that the most

(Algeria).

¹⁷ *Ibid.*, p. 14.

¹⁸ S/PRST/2004/43.

¹⁹ S/2005/89, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

feasible option might be a protection force fielded by the African Union. In consultation with the African Union, the United Nations was prepared to support the planning of such a protection force. He further noted that, as the Transitional Federal Government began to address its relocation to Somalia, the Parliament, as a matter of priority should seek an agreement from all factions and militia leaders to cease hostilities and enter into immediate negotiations for a comprehensive ceasefire agreement. If requested, the United Nations would be ready to provide advice during the negotiation of such an agreement. The Secretary-General insisted that greater efforts should be made to enforce the arms embargo on Somalia. He stressed that improved monitoring capacity and the establishment of enforcement measures would considerably enhance overall security. He added that, as previously encouraged by the Council, the Coordination and Monitoring Committee had been established as a mechanism through which donor countries and regional and subregional organizations were providing support to the efforts of the Transitional Federal Government. He further detailed areas where an expanded United Nations role would be required in the immediate future, which would require an expansion of UNPOS.

At its 5135th meeting, on 7 March 2005, in which the representative of Somalia was invited to participate, the Council included in its agenda the above-mentioned report of the Secretary-General. The President (Brazil) made a statement on behalf of the Council,²⁰ by which the Council, *inter alia*:

Reaffirmed all its previous decisions concerning the situation in Somalia, in particular the statement by its President of 19 November 2004;

Reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia;

Welcomed the progress made in the Somali national reconciliation process, in particular the ongoing relocation efforts of the Transitional Federal Government;

Commended efforts of the African Union and IGAD in support of the Transitional Federal Government;

Reiterated its support for the efforts of the African Union in assisting the process of transition in Somalia;

Urged all Somali factions and militia leaders to cease hostilities and encouraged them and the Transitional Federal Government to enter into immediate negotiations for a

comprehensive and verifiable ceasefire agreement leading to final disarmament;

Expressed its gratitude to all donors who had supported the peace process in Somalia and encouraged donor countries to contribute to the reconstruction and rehabilitation of Somalia;

Welcomed the establishment of the Coordination and Monitoring Committee chaired jointly by the Transitional Federal Government and the United Nations;

Welcomed the efforts of the United Nations Political Office in Somalia and its leading role in coordinating support for the Transitional Federal Government to implement the agreements reached at the Somali National Reconciliation Conference;

Reaffirmed its full support of the peace process in Somalia and the commitment of the United Nations to assist in that regard.

**Decision of 15 March 2005 (5142nd meeting):
resolution 1587 (2005)**

At its 5142nd meeting, on 15 March 2005, the Council included in its agenda a letter dated 8 March 2005 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia.²¹

The representative of Somalia was invited to participate in the discussion. The President (Brazil) drew attention to a draft resolution;²² it was adopted unanimously and without debate as resolution 1587 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to re-establish within 30 days, and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004);

Further requested the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

Requested the Committee to consider and recommend to the Council ways to improve the implementation of and compliance with the arms embargo, including ways to develop the capacity of States in the region to implement the arms embargo, in response to continuing violations;

Further requested the Committee to consider, when appropriate, a visit to Somalia and/or the region by its Chairman and those he might designate, as approved by the Committee, to

²¹ S/2005/153; the report was submitted pursuant to paragraph 3 (e) of resolution 1558 (2004).

²² S/2005/160.

²⁰ S/PRST/2005/11.

demonstrate the Security Council's determination to give full effect to the arms embargo.

**Decision of 14 July 2005 (5227th meeting):
statement by the President**

At its 5227th meeting, on 14 July 2005, the Council again included in its agenda the letter dated 8 March 2005 from the Chairman of the Committee,²³ as well as the report of the Secretary-General dated 16 June 2005.²⁴

In his report, the Secretary-General observed that it was of utmost importance that the Transitional Federal Government and the transitional federal institutions relocated to Somalia so as to ensure continued credibility with the people of Somalia and the international community. However, the Government's relocation plan had become fraught with controversy and opposition, which could assume further divisions along clan and regional lines. He further noted that there was an urgent need for Somali leaders to enter into a serious dialogue in the search for a consensus on the important issues regarding relocation. The Secretary-General reiterated his appeal to the Transitional Federal Government and Parliament to seek an agreement from all faction and militia leaders to cease hostilities and enter into immediate negotiations for a comprehensive ceasefire agreement. The United Nations was ready to support negotiations for such an agreement, in collaboration with other partners. He further noted that while the Coordination and Monitoring Committee could be a useful mechanism to oversee and guide assistance to Somalia, there was a need to complete the process of making it structurally stronger in order to allow for quick responses to problems. Planning was under way for a peace support mission for Somalia by IGAD and the African Union, but deployment of any foreign military force in Somalia would require an exemption from the Security Council arms embargo. The recent report of the Monitoring Group on Somalia made it clear that violations continued to occur and weapons and explosives continued to flow into the country. The enforcement of the arms embargo, with improved monitoring capacity and the establishment of enforcement measures, would considerably enhance security in Somalia.

²³ S/2005/153.

²⁴ S/2005/392, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

The President (Greece) made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Expressed its concern at the recent disagreements and increased tensions among Somali leaders, which threatened the viability of the transitional federal institutions;

Called on all leaders in Somalia to exercise maximum restraint and take immediate effective steps to reduce tension;

Urged the transitional federal institutions to conclude without delay a national security and stabilization plan;

Stressed that improving the humanitarian situation was an essential component of support for the peace and reconciliation process;

Reiterated that ensuring humanitarian access to all Somalis in need and providing guarantees for the safety and security of aid workers was an immediate priority and obligation of the transitional federal institutions;

Deplored the recent hijacking of a vessel off the coast of Somalia that had been chartered by the World Food Programme and was carrying food aid for tsunami victims;

Reaffirmed its full support for the peace process in Somalia and the commitment of the United Nations to assist the regional and subregional efforts in that regard.

**Decision of 14 October 2005 (5280th meeting):
resolution 1630 (2005)**

At its 5280th meeting, on 14 October 2005, the Council included in its agenda a letter dated 5 October 2005 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia.²⁶

The President (Romania) drew attention to a draft resolution;²⁷ it was adopted unanimously without debate as resolution 1630 (2005), by which the Council acting under Chapter VII of the Charter, *inter alia*:

Decided to request the Secretary-General to re-establish within 30 days, and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), with the following mandate:

(a) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

²⁵ S/PRST/2005/32.

²⁶ S/2005/625; the report was submitted pursuant to paragraph 3 (i) of resolution 1587 (2005).

²⁷ S/2005/646.

(b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations;

(c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(d) To continue refining and updating information on the draft list of those individuals and entities who violated the measures implemented by Member States inside and outside Somalia, and their active supporters;

(e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts;

(f) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(g) To assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo;

(h) To provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment;

(i) To submit, for the Council's consideration, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

**Decision of 9 November 2005 (5302nd meeting):
statement by the President**

At its 5302nd meeting, on 9 November 2005, the Council included in its agenda the report of the Secretary-General dated 11 October 2005.²⁸ In his report, the Secretary-General observed that some progress had been made in the peace process in Somalia, particularly regarding the formation and return of the transitional federal institutions back to the country. However, the peace process remained fragile. He stressed the importance and urgency of the effective functioning of the transitional federal institutions. The Secretary-General expressed concern that the political tensions between the leaders of the transitional federal institutions had given rise to military preparations on their part. He further noted persistent reports of increased violations of the arms embargo and called on the Somali leaders and countries in the region not to be part of an exacerbation in political and military tensions. Observing that the threat of violence had to be averted by all concerned, he urged once again the

Somali leaders to enter into a comprehensive ceasefire agreement. He further drew attention to the events that had forced the relocation of international United Nations staff from Jawhar early in September and stressed that tangible improvement in the security situation on the ground was an essential responsibility of the Somali leaders.

The President (Russian Federation) made a statement on behalf of the Council,²⁹ by which the Council, *inter alia*:

Expressed its concern over recent reported military activities and hostile rhetoric, and emphasized that any resort to military force as a means for dealing with the current difference within the transitional federal institutions was unacceptable;

Underlined its strong support for the Special Representative of the Secretary-General in his efforts at facilitating the peace process in Somalia, supporting ongoing Somali-owned internal initiatives;

Affirmed its continuing support to the transitional federal institutions and reiterated the need for a national security and stabilization plan to be agreed;

Condemned the increased inflow of weapons into Somalia and the continuous violations of the United Nations arms embargo;

Expressed serious concern over the increasing incidents of piracy off the coast of Somalia;

Strongly urged the transitional federal institutions to ensure humanitarian access and provide guarantees for the safety and security of aid workers;

Condemned in the strongest terms the killing of a United Nations national security officer on 3 October in Kismayo;

Reaffirmed its full support for the peace process in Somalia and the commitment of the United Nations to assist in that regard.

²⁹ S/PRST/2005/54.

²⁸ S/2005/642, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

**Decision of 15 March 2006 (5387th meeting):
statement by the President**

In his report dated 21 February 2006,³⁰ the Secretary-General observed that the signing of the Aden Declaration on 5 January 2006 had created encouraging prospects for reconciliation among the leaders of the Somali transitional federal institutions, and welcomed the announcement that the first session of the Transitional Federal Parliament inside Somalia would be held in Baidoa on 26 February. He noted, however, that the peace process remained fragile. The immediate priorities for the transitional federal institutions would include the development of a national security and stabilization plan, the promotion of reconciliation, and the urgent need to improve the humanitarian situation and quality of life of the Somali people. The deteriorating food security situation presented serious humanitarian challenges, which were also likely to have significant consequences. Believing that reconciliation efforts would foster improved security and humanitarian access, he encouraged the international community to continue to support political reconciliation efforts, especially with regard to the preparation and convening of the Transitional Federal Parliament. He welcomed the renewed engagement of IGAD and the African Union in the Somali peace process and called on them, in accordance with the provisions outlined in the presidential statement of the Security Council of 14 July 2005 “to work out a detailed mission plan in close coordination with the broad consensus of the transitional federal institutions and consistent with a national security and stabilization plan”,³¹ which would also be necessary for the reform of the security sector in Somalia.

At its 5387th meeting, on 15 March 2006, in which the representative of Somalia was invited to participate, the Council included in its agenda the above-mentioned report of the Secretary-General.

The President (Argentina) made a statement on behalf of the Council,³² by which the Council, inter alia:

³⁰ S/2006/122, submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

³¹ S/PRST/2005/32.

³² S/PRST/2006/11.

Reaffirmed all its previous statements and resolutions concerning the situation in Somalia, in particular the statements by its President of 14 July 2005 and 9 November 2005;

Encouraged all leaders and members of the transitional federal institutions to continue their efforts towards inclusive dialogue and consensus-building within the framework of the transitional federal institutions and in accordance with the Transitional Federal Charter of the Somali Republic adopted in February 2004;

Called on the Transitional Federal Parliament to promote peace and reconciliation in its work towards implementing the Transitional Federal Charter;

Urged the members of the transitional federal institutions to continue to organize their work in accordance with the Transitional Federal Charter, such as the formation of independent commissions and parliamentary committees, which would provide a framework for addressing the complex and divisive issues of the transitional period;

Reiterated the urgent need for a rapid finalization of an agreed national security and stabilization plan, to include a comprehensive and verifiable ceasefire agreement, as well as plans for the restoration of public safety and security institutions and the implementation of disarmament, demobilization and reintegration;

Condemned the increased inflow of weapons into Somalia and the continuous violations of the United Nations arms embargo and further reminded all States of their obligations to comply fully with the measures imposed by resolution 733 (1992) and urged them to take all necessary steps to hold violators accountable;

Reaffirmed its full support to the peace process in Somalia and welcomed the commitment of the United Nations to assist in that regard.

**Decision of 10 May 2006 (5435th meeting):
resolution 1676 (2006)**

At its 5435th meeting, on 10 May 2006, the Council included in its agenda a letter dated 4 May 2006 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia.³³

The President (Congo) drew attention to a draft resolution;³⁴ it was adopted unanimously and without debate as resolution 1676 (2006), by which the Council acting under Chapter VII of the Charter, inter alia:

³³ S/2006/229; the report was submitted pursuant to paragraph 3 (i) of resolution 1630 (2005).

³⁴ S/2006/287.

Requested the Secretary-General, in consultation with the Committee established pursuant to resolution 751 (1992), to re-establish within 30 days, and for a period of six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), with the following mandate:

(a) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations;

(c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(d) To continue refining and updating information on the draft list of those individuals and entities who violated the measures implemented by Member States in accordance with resolution 733 (1992), inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deemed appropriate;

(e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts and on the previous reports of the Monitoring Group;

(f) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(g) To assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo;

(h) To provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment;

(i) To submit, for the Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

**Decision of 13 July 2006 (5486th meeting):
statement by the President**

At the 5486th meeting, on 13 July 2006, in which the representative of Somalia was invited to participate, the President (France) made a statement on behalf of the Council,³⁵ by which the Council, inter alia:

Welcomed the agreement reached in Khartoum on 22 June between the Transitional Federal Government and the Islamic Courts;

³⁵ S/PRST/2006/31.

Urged all parties involved in the dialogue to engage constructively at the next round of talks;

Expressed its grave concern at the deteriorating humanitarian situation in Somalia;

Welcomed the fact that the Transitional Federal Government and the Transitional Federal Parliament had been able to agree on 14 June 2006 to adopt the National Security and Stabilization Plan for Somalia;

Expressed its readiness to consider a limited modification of the arms embargo to enable the transitional federal institutions, on the basis of a sustainable peace process, to develop Somalia's security sector and national institutions capable of responding to security issues.

**Decision of 29 November 2006 (5575th
meeting): resolution 1724 (2006)**

At its 5575th meeting,³⁶ on 29 November 2006, in which the representative of Somalia was invited to participate, the Council included in its agenda a letter dated 21 November 2006 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia.³⁷

The President (Peru) drew attention to a draft resolution submitted by Qatar;³⁸ it was adopted unanimously and without debate as resolution 1724 (2006), by which the Council, acting under Chapter VII of the Charter, inter alia:

Requested the Secretary-General, in consultation with the Committee established pursuant to resolution 751 (1992), to re-establish within 30 days, and for six months, the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004), with the following mandate:

(a) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations;

³⁶ At the 5535th meeting, held in private on 25 September 2006, members of the Council had an exchange of views with the Minister for Foreign Affairs and International Cooperation of Somalia and the Minister for Foreign Affairs of Kenya and Chairman of the Council of Ministers of IGAD.

³⁷ S/2006/913; the report was submitted pursuant to paragraph 3 (i) of resolution 1676 (2006).

³⁸ S/2006/921.

(c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(d) To continue refining and updating information on the draft list of those individuals and entities who violated the measures implemented by Member States and to present such information to the Committee;

(e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts and on the previous reports of the Monitoring Group;

(f) To work closely with the Committee on specific recommendations;

(g) To assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo;

(h) To provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment;

(i) To submit, for the Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

**Decision of 6 December 2006 (5579th meeting):
resolution 1725 (2006)**

At the 5579th meeting, on 6 December 2006, at which statements were made by the representatives of the Congo, Qatar, the United Republic of Tanzania and the United States,³⁹ the President (Qatar) drew attention to a draft resolution submitted by the Congo, Ghana, the United Republic of Tanzania and the United States;⁴⁰ it was adopted unanimously as resolution 1725 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to authorize IGAD and member States of the African Union to establish a protection and training mission in Somalia, to be reviewed after an initial period of six months by the Security Council with a briefing by IGAD;

Endorsed the specification in the deployment plan for the peacekeeping mission of IGAD that those States that bordered Somalia would not deploy troops to Somalia;

Decided that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated in paragraphs 1 and 2 of resolution 1425 (2002) should not apply to supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the force;

³⁹ The representative of Somalia was invited to participate in the meeting but did not make a statement.

⁴⁰ S/2006/940.

and encouraged Member States to provide financial resources for the IGAD peacekeeping mission.

After the vote, speakers encouraged all Somali parties to reach a peaceful political settlement through comprehensive dialogue and stressed the need for international support of the new IGAD mission.

The representative of the United States viewed the deployment of a regional force to Somalia as a key element in preventing conflict. He noted that while both the transitional federal institutions and the Union of Islamic Courts (UIC) had violated the terms of the Khartoum Declaration, UIC had done so through concrete military expansion. UIC had sought to destabilize the Horn of Africa region through irredentist claims on the Somali-populated regions of neighbouring States and support for insurgent groups in Ethiopia. He further stated that the primary objective of the IGAD mission was to help stabilize Somalia by providing security in Baidoa, and protection and training for the transitional federal institutions, but not to engage in offensive actions against UIC. He added that a security protocol, including a verifiable ceasefire and military disengagement, was the next step towards a longer-term solution.⁴¹

The representative of Qatar cautioned that the resolution just adopted should not have a negative impact and should not be construed as being directed at one party at the expense of another.⁴² The representative of the United Republic of Tanzania opined that it was "not a perfect resolution" but was a step in the right direction.⁴³

**Decision of 22 December 2006 (5611th meeting):
statement by the President**

At the 5611th meeting, on 22 December 2006, in which the representative of Somalia was invited to participate, the President (Qatar) made a statement on behalf of the Council,⁴⁴ by which the Council, *inter alia*:

Expressed its deep concern over the continued violence inside Somalia, in particular the recent intensified fighting between the Union of Islamic Courts and the transitional federal institutions;

⁴¹ S/PV.5579, pp. 2-3.

⁴² *Ibid.*, pp. 3-4.

⁴³ *Ibid.*, p. 3.

⁴⁴ S/PRST/2006/59.

Called upon all parties to draw back from conflict, recommit to dialogue, immediately implement resolution 1725 (2006) and refrain from any actions that could provoke or perpetuate violence and violations of human rights;

Reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia through the Transitional Federal Charter;

Reiterated that the Transitional Federal Charter and institutions offered the only route to achieving peace and stability in Somalia, and emphasized the need for continued credible dialogue between the transitional federal institutions and the Union of Islamic Courts.

**Decision of 20 February 2007 (5633rd meeting):
resolution 1744 (2007)**

At its 5614th meeting, on 26 December 2006, the Council heard a briefing by the Special Representative of the Secretary-General and Head of UNPOS. The Special Representative reported that the crisis in Somalia had escalated dangerously as the hostilities between the Transitional Federal Government and the Union of Islamic Courts had expanded across a 400-km-wide front. The fighting had compounded an already serious humanitarian crisis, resulting in additional displacement of populations. While the Council had authorized the creation of the IGAD peacekeeping mission by resolution 1725 (2006), neither IGAD nor the African Union had identified potential troop contributors or possible sources of funding for the mission. The Special Representative stated that the conflict involved foreign forces and the use of heavy weapons and aircraft. There had been consistent reports of the presence of troops from Ethiopia inside Somalia deployed in support of the Transitional Federal Government, while Eritrean troops were reported on the side of UIC. While Eritrea had consistently denied the presence of its troops inside Somalia, Ethiopia had declared that it had taken "self-defensive measures" inside Somalia. UIC had rejected Council resolution 1725 (2006), maintaining that the deployment of foreign forces in Somalia was tantamount to an invasion of the country. Civilians had been caught up in the fighting and the outbreak of fighting had severely undermined the provision of relief assistance to 2 million conflict- and flood-affected people in south-central Somalia. Moreover, reports from Mogadishu indicated that children were being forcibly recruited into fighting forces. He concluded by urging the Council to call on the two sides to halt the fighting immediately, to abide by

resolution 1725 (2006) and urgently return to dialogue, without preconditions. Failure to reach a political settlement through negotiations could have serious consequences for the entire region.⁴⁵

At the 5633rd meeting, on 20 February 2007, the President (Slovakia) drew attention to a letter dated 22 January 2007 from the representative of the Congo.⁴⁶ Statements were made by the representatives of France, Italy, South Africa and the United Kingdom.⁴⁷

The President (Slovakia) also drew attention to a draft resolution submitted by the Congo, Ghana, Panama, Slovakia, South Africa, the United Kingdom and the United States;⁴⁸ it was adopted unanimously as resolution 1744 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to assist the transitional federal institutions with the national reconciliation congress;

Decided to authorize member States of the African Union to establish for a period of six months a mission in Somalia;

Decided that States providing specified supplies or technical assistance should notify the Committee established pursuant to resolution 751 (1992) in advance and on a case-by-case basis;

Requested the Secretary-General to send a technical assessment mission to the African Union headquarters and Somalia;

Decided that, having regard to the establishment of the African Union Mission in Somalia, the measures contained in paragraphs 3 to 7 of resolution 1725 (2006) should no longer apply.

After the vote, speakers welcomed the authorization of the African Union Mission in Somalia (AMISOM), but stressed that only a fully inclusive political process, owned and conducted by the Somalis, could solve the Somali crisis. The representative of Italy believed that, in order to be successful, it was essential for AMISOM to be unequivocally perceived by the Somali population as instrumental in supporting dialogue and reconciliation.⁴⁹ The representative of

⁴⁵ S/PV.5614, pp. 2-4.

⁴⁶ S/2007/34 transmitting a communiqué of the African Union Peace and Security Council adopted on 19 January 2007.

⁴⁷ The representative of Somalia was invited to participate in the meeting but did not make a statement.

⁴⁸ S/2007/96.

⁴⁹ S/PV.5633, p. 3.

South Africa hoped that the deployment of AMISOM would signal that the international community, through the Security Council, would in the coming months also be able to deploy to help the Somali people rebuild their country.⁵⁰

Decision of 30 April 2007 (5671st meeting): statement by the President

In his report dated 20 April 2007,⁵¹ the Secretary-General observed that the situation in Somalia provided an opportunity to re-establish solid institutions of governance and to finally turn the page on 16 years of instability. Stressing that the primary responsibility for achieving peace and stability lay with the Somali leaders and people, he believed that the planned National Reconciliation Congress would be an important step in that direction. The Congress, which was not to be viewed as an end in itself but part of an ongoing reconciliation and State-building process, necessitated the support of the international community. He further urged the international community to urgently support AMISOM with all the means at its disposal, so that the mission could complete deployment and carry out its mandate effectively, thereby facilitating the withdrawal of the remaining Ethiopian forces and contributing to a more stable and secure environment in Somalia. It would be imperative to secure an immediate end to the fighting, through a cessation of hostilities and a commitment to peace by all stakeholders. There was also a need to dissuade some regional actors from contributing to instability and the proliferation of arms in Somalia, while encouraging positive contributions from others. He recommended that the Council review the situation in Somalia again by mid-June 2007, with a view to determining whether conditions were in place for the deployment of a United Nations peacekeeping operation, subject to progress in the reconciliation process and developments on the ground. Notwithstanding that deployment, he noted that the Council might wish to consider authorizing the Secretariat to begin appropriate contingency planning for a possible operation in order to reduce the lead time required. With regard to disarmament, demobilization and reintegration of former combatants, he recommended that the United Nations should start

immediately with preparatory activities in anticipation of the establishment and implementation of a national programme in that area.

At its 5671st meeting, on 30 April 2007, in which the representative of Somalia was invited to participate, the Council included in its agenda the above-mentioned report of the Secretary-General. The President (United Kingdom) made a statement on behalf of the Council,⁵² by which the Council, *inter alia*:

Expressed its grave concern at the renewed fighting in Somalia, and deeply deplored the loss of civilian life;

Demanded that all parties in Somalia comply fully with international humanitarian law, protect the civilian population, and guarantee complete, unhindered and secure access for humanitarian assistance;

Urged Somalia's transitional federal institutions to show leadership and commitment to reach out to all components of Somali society, and in particular to intensify their dialogue with the clans in Mogadishu;

Called on all parties in Somalia, the region and the wider international community to reject violence, to deny safe haven to extremist elements, to pursue any differences they might have with the transitional federal institutions through dialogue, and to summon the political will to take the necessary steps to allow the transitional federal institutions to deliver a sustainable, all-inclusive political process.

Decision of 14 June 2007 (5695th meeting): statement by the President

At the 5695th meeting, on 14 June 2007, in which the representative of Somalia was invited to participate, the President (Belgium) made a statement on behalf of the Council,⁵³ by which the Council, *inter alia*:

Reiterated its support for the National Reconciliation Congress as a mechanism for much-needed political dialogue and reconciliation in Somalia;

Expressed its grave concern regarding the recent pattern of attacks by extremist elements in Somalia;

Condemned the attack on the Prime Minister on 3 June 2007 and the attack on the forces of AMISOM in Mogadishu on 16 May 2007;

Underlined its appreciation for the efforts of the Ugandan forces currently deployed in Mogadishu under AMISOM and

⁵⁰ *Ibid.*, p. 3.

⁵¹ S/2007/204, submitted pursuant to paragraphs 3 and 9 of resolution 1744 (2007).

⁵² S/PRST/2007/13.

⁵³ S/PRST/2007/19.

Uganda's invaluable contribution to peace and stability in Somalia;

Emphasized the urgent need for appropriate contingency planning for a possible United Nations mission to be deployed in Somalia if the Security Council decided to authorize such a mission;

Emphasized again the need for strengthened efforts to provide humanitarian relief assistance to Somalia.

**Decision of 23 July 2007 (5720th meeting):
resolution 1766 (2007)**

At its 5720th meeting,⁵⁴ on 23 July 2007, the Council included in its agenda a letter dated 17 July 2007 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Monitoring Group on Somalia.⁵⁵

The President (China) drew attention to the report of the Secretary-General dated 25 June 2007.⁵⁶ In his report, the Secretary-General observed that concerns remained regarding the security of the venue of the National Reconciliation Congress, its independence and inclusiveness and its expected outcome. Stressing that a genuine and all-inclusive dialogue and political process was the only way to achieve sustainable peace in Somalia, he encouraged the National Governance and Reconciliation Committee to make the Congress as inclusive and transparent as possible and to engage with all the key stakeholders. The outcome of the Congress should address critical political and security issues, including a comprehensive ceasefire and an agreed framework for disarming. The Secretary-General also condemned all acts of violence in Somalia, including the killing of AMISOM soldiers, and called on all parties to cease hostilities and engage in peace efforts. There was an urgent need to strengthen AMISOM capabilities on the ground, including the expedited completion of its full deployment, to help create conditions conducive for dialogue and reconciliation and to facilitate the withdrawal of Ethiopian troops. He reiterated his

satisfaction over the expressed intention of Ethiopia to withdraw its forces and called on all States in the region to respect Somalia's independence, sovereignty and territorial integrity. He further noted that a United Nations operation would succeed only if it was deployed in support of a political process, not as a substitution for one. In the absence of the necessary conditions, not only would a peacekeeping operation be more likely to fail in its objectives and possibly be exposed to a number of security threats, but the Organization would likely find it very difficult to generate the number of troops and other personnel required for an operation of the size envisaged for Somalia. If conditions for peacekeeping were not in place, the Security Council and the wider international community might wish to consider alternative options. He further suggested that a joint mission of independent mandate holders could be a possible option to gather facts about alleged human rights and humanitarian abuses. He concluded by pointing out that recent developments in Somalia demonstrated the degree to which national and regional security conditions were intertwined in the Horn of Africa. Long-term security for Somalia would not be possible without addressing the regional aspects of the crisis. He reiterated the need to explore measures to deal with the regional dimension of the Somali crisis and to find ways to address the security concerns of Somalia and its neighbours, including the reinforcement of the existing regional security architecture.

The President (China) drew attention to a draft resolution submitted by the United Kingdom;⁵⁷ it was adopted unanimously and without debate as resolution 1766 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of the Monitoring Group referred to in paragraph 3 of resolution 1558 (2004) and requested the Secretary-General to take the necessary administrative measures to re-establish the Monitoring Group for a further period of six months, with the following mandate:

(a) To continue the tasks outlined in paragraphs 3 (a) to (c) of resolution 1587 (2005);

(b) To continue to investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generated revenues used to commit arms embargo violations;

⁵⁴ At the 5707th meeting, held in private on 28 June 2007, members of the Council and the Prime Minister of the Transitional Federal Government of Somalia had an exchange of views.

⁵⁵ S/2006/436; the report was submitted pursuant to paragraph 3 (i) of resolution 1724 (2006).

⁵⁶ S/2007/381 submitted pursuant to the statement by the President of 31 October 2001 (S/PRST/2001/30).

⁵⁷ S/2007/446.

(c) To continue to investigate any means of transport, routes, seaports, airports and other facilities used in connection with arms embargo violations;

(d) To continue refining and updating information on the draft list of those individuals and entities who violated the measures implemented by Member States and to present such information to the Committee;

(e) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts and on the previous reports of the Monitoring Group;

(f) To work closely with the Committee on specific recommendations;

(g) To assist in identifying areas where the capacities of States in the region could be strengthened to facilitate the implementation of the arms embargo;

(h) To provide to the Council, through the Committee, a midterm briefing within 90 days from its establishment;

(i) To submit, for the Council's consideration, through the Committee, a final report covering all the tasks set out above, no later than 15 days prior to the termination of the Monitoring Group's mandate.

**Decision of 20 August 2007 (5732nd meeting):
resolution 1772 (2007)**

At its 5732nd meeting, on 20 August 2007, the Council included in its agenda the report of the Secretary-General dated 25 June 2007.⁵⁸ The representative of Somalia was invited to participate in the discussion. The President (Congo) drew attention to a letter dated 18 July 2007 from the representative of Ghana⁵⁹ and a letter dated 13 August 2007 from the Secretary-General.⁶⁰

The President also drew attention to a draft resolution;⁶¹ it was adopted unanimously and without debate as resolution 1772 (2007), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to authorize member States of the African Union to maintain a mission in Somalia for a further period of six

⁵⁸ S/2007/381.

⁵⁹ S/2007/444, transmitting a communiqué issued by the African Union Peace and Security Council on 18 July 2007.

⁶⁰ S/2007/499, transmitting a letter from the President of the African Union Commission on the deployment of a United Nations peacekeeping operation in Somalia and United Nations support for AMISOM.

⁶¹ S/2007/501.

months, which should be authorized to take all necessary measures as appropriate to carry out the following mandate:

(a) To support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the process referred to in paragraphs 1 to 5 of the resolution;

(b) To provide, as appropriate, protection to the transitional federal institutions to help them carry out their functions of government, and security for key infrastructure;

(c) To assist, within its capabilities, and in coordination with other parties, with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces;

(d) To contribute, as may be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance;

(e) To protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel; urged member States of the African Union to contribute to the mission in order to help create the conditions for the withdrawal of all other foreign forces from Somalia; decided that States providing supplies or technical assistance in accordance with paragraph 11 (b) of the resolution should notify the Committee established pursuant to resolution 751 (1992) in advance and on a case-by-case basis.

**Decision of 19 December 2007 (5812th meeting):
statement by the President**

At its 5805th meeting, on 17 December 2007, the Council heard a briefing by the Special Representative of the Secretary-General for Somalia. Statements were made by all Council members and the representatives of Portugal (on behalf of the European Union),⁶² Norway and Somalia.

The Special Representative informed the Council that the conflict in Somalia continued to be a threat to peace and security which required a definitive, lasting solution. He offered three possible options for international involvement in Somalia, which included: maintaining the status quo; withdrawing completely from Somalia, thereby accepting the international community's inability to protect the population and bring about a lasting peace; or taking immediate and effective action on the political and security fronts. With regard to the first option, the Special Representative stressed that the "wait and see" attitude

⁶² Albania, Bosnia and Herzegovina, Croatia, Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

adopted by the international community would not provide meaningful progress towards lasting peace and would likely mean a spillover of the violence into neighbouring regions. While the second option of withdrawal would be an easy alternative, he stressed that the decision to intervene in some conflict situations while ignoring others would have far-reaching effects in terms of public opinion. With regard to the third option, he stated that the Somalia crisis was an international problem which required the United Nations to mobilize a consensus to stabilize the country. As such, action on the political front required the establishment of a government of national unity and the inclusion of the opposition as part of the political process. He advocated that discussions between the Transitional Federal Government and the opposition, as well as with members of the business community and the Somalia diaspora, should be held in a location close to Somalia. He further stressed that action on the political and security fronts had to be carried out concurrently and, in that regard, he called for the strengthening of AMISOM. He believed that Saudi Arabia, and one or two members of NATO, could assist with a new initiative to reinforce AMISOM with extra capacity. With the Secretary-General's support, he intended to pursue that roadmap to peace and called on the Council to support those two actions. In concluding, the Special Representative emphasized that if the current violence and neglect continued, the consequences would be catastrophic for the region, for the credibility of the United Nations and, above all, for Somalis themselves.⁶³

The representative of Somalia wholeheartedly endorsed the third option presented by the Secretary-General and suggested that the Council should take the following three actions: implement already decided-upon measures, such as the deployment of AMISOM; find an acceptable formula to move Somalia forward in both the political and security spheres; and emphasize the need for humanitarian assistance.⁶⁴

The representatives of South Africa and France emphasized that neither the status quo nor withdrawal were viable options and hoped that the Council would seriously examine the third option laid out by the Special Representative.⁶⁵ The representative of Panama held that a lack of action would jeopardize the

Council's credibility.⁶⁶ The representative of Italy believed that a multi-track approach encompassing the political, security and humanitarian spheres was the only way forward.⁶⁷ A number of speakers called for the strengthening of UNPOS.⁶⁸

Several representatives expressed appreciation for the role of AMISOM and urged the international community to increase its financial and logistical support to that force. Many speakers also urged African troop-contributing countries to deploy their promised troops without delay. The representatives of China, South Africa and the Russian Federation believed that the United Nations should eventually replace AMISOM.⁶⁹ A number of speakers underlined the need for contingency planning for a United Nations peacekeeping operation in Somalia.⁷⁰ While believing that the deployment of a United Nations peacekeeping operation remained the paramount goal, the representative of Italy expressed support for the strengthening of AMISOM.⁷¹ Several speakers supported the proposal for a technical assessment mission to Somalia.⁷²

The representative of Belgium, however, did not believe that a United Nations peacekeeping force was possible under the current circumstances.⁷³ The representatives of Panama and the Congo agreed and said that the Council should consider either a multinational force or a peacekeeping operation.⁷⁴

A majority of speakers expressed concern at the deteriorating humanitarian situation and urged all parties to cooperate with humanitarian relief agencies and facilitate their access. Referring to continued violations of the arms embargo, several representatives

⁶³ S/PV.5805, pp. 2-4.

⁶⁴ *Ibid.*, pp. 4-5.

⁶⁵ *Ibid.*, p. 7 (South Africa); and p. 11 (France).

⁶⁶ *Ibid.*, p. 12.

⁶⁷ *Ibid.*, p. 17.

⁶⁸ *Ibid.*, p. 5 (China); p. 10 (Belgium); p. 16 (Qatar, Congo); and pp. 17-18 (Italy).

⁶⁹ *Ibid.*, p. 5 (China); p. 7 (South Africa); and p. 13 (Russian Federation).

⁷⁰ *Ibid.*, p. 5 (China); p. 7 (South Africa); p. 8 (Indonesia); p. 10 (Ghana); p. 14 (United States); p. 17 (Italy); and p. 19 (Portugal, on behalf of the European Union).

⁷¹ *Ibid.*, p. 17.

⁷² *Ibid.*, p. 6 (United Kingdom); p. 11 (France); p. 12 (Panama); p. 14 (United States); and p. 17 (Italy).

⁷³ *Ibid.*, p. 9.

⁷⁴ *Ibid.*, p. 12 (Panama); and p. 16 (Congo).

called on all States, especially those in the region, to comply with the arms embargo.⁷⁵

Several speakers expressed concern at the continued piracy in Somali waters and praised the French initiative against piracy. The representative of France stated that his country was continuing to provide military protection against piracy and hoped to extend that support beyond 16 January 2008.⁷⁶ The representative of the United States meanwhile expressed support for a resolution to address the issue of piracy.⁷⁷

At the 5812th meeting, on 19 December 2007, in which the representative of Somalia was invited to participate, the President (Italy) made a statement on behalf of the Council,⁷⁸ by which the Council, inter alia:

⁷⁵ Ibid., pp. 8-9 (Slovakia); p. 10 (Ghana); p. 12 (Russian Federation); and p. 16 (Congo).

⁷⁶ Ibid., p. 11.

⁷⁷ Ibid., p. 14.

⁷⁸ S/PRST/2007/49.

Welcomed the briefing it had received on 17 December 2007 from the Secretary-General's Special Representative for Somalia;

Reaffirmed its respect for the sovereignty, territorial integrity, political independence and unity of Somalia;

Welcomed the appointment of the new Prime Minister of Somalia;

Expressed its deep concern at the deteriorating humanitarian situation, aggravated by the prevailing security conditions in Somalia, and emphasized again the need for strengthened efforts to provide humanitarian relief assistance to Somalia;

Demanded that all parties in Somalia ensured unfettered access for all humanitarian assistance to vulnerable populations;

Reiterated its strong support for AMISOM, called on all Somali parties to cooperate fully with it, urged again the international community to provide financial resources, personnel, equipment and services for the full deployment of AMISOM, and repeated its request that the Secretary-General consult with the African Union Commission on what further support might be provided to AMISOM;

Reiterated its request that the Secretary-General develop the existing contingency plans for the possible deployment of a United Nations peacekeeping operation to succeed AMISOM.

4. The situation concerning Rwanda

Decision of 20 March 2007 (5650th meeting): resolution 1749 (2007)

At the 5650th meeting of the Security Council, on 20 March 2007, the representative of Rwanda was invited to participate and a statement was made by the representative of Indonesia. The President (South Africa) then drew the attention of the Council to a draft resolution;¹ it was put to the vote and adopted unanimously as resolution 1749 (2007), by which the Council, acting under Chapter VII of the Charter of the United Nations, inter alia, decided to terminate with immediate effect the measures imposed by paragraph 11 of resolution 1011 (1995) and decided to remain actively seized of the matter.

After the adoption of the resolution, the representative of Indonesia, as Chair of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, welcomed the measure, which was a follow-up to the recommendation of the Committee on the need to terminate the measures imposed by paragraph 11 of resolution 1011 (1995), which required that States that export arms or related material destined for use by the Government of Rwanda notify the Committee of such shipments. He also noted that the resolution reflected positive developments in Rwanda and the Great Lakes region.²

¹ S/2007/175.

² S/PV.5650, p. 2.

5. The situation in Burundi

Decision of 21 May 2004 (4975th meeting): resolution 1545 (2004)

At its 4975th meeting,¹ on 21 May 2004, the Security Council included in its agenda the report of the Secretary-General on Burundi.² In his report, the Secretary-General observed that significant political progress had been made towards ending hostilities in Burundi and only one of the armed groups, Forces nationales de libération (Palipehutu-FNL) the Parti pour la libération du peuple hutu- Agathon Rwasa, remained outside the peace process. He noted that the African Union, with the support of troops provided by Ethiopia, Mozambique and South Africa, had made a significant impact on the peace process by deploying the African Mission in Burundi before the conclusion of a comprehensive ceasefire. He recalled that, in view of the serious financial and logistical difficulties it had encountered, the African Union had requested the assistance of the United Nations in taking over its peacekeeping presence in Burundi, a request which had been strongly supported by the Government. As a sustainable peace in Burundi was necessary for long-term stability in the Great Lakes region and would have a positive impact on the situation in the Democratic Republic of the Congo and the work of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), he recommended that the Council deploy a multidimensional United Nations peacekeeping operation to support the peace process in Burundi. He recalled that the elections were supposed to be held in less than eight months and he stressed that if the United Nations were going to expand its presence in the country, then much work would be required in a very short amount of time. That work would include the necessary acceleration of the disarmament, demobilization, reinsertion and reintegration process; the priority of bringing FNL into the peace process; and dealing with the question of national

reconciliation, particularly the core problems of impunity and the “horrendous abuses of human rights” that had been committed by all sides to the conflict.

The representatives of Burundi and the Chairperson of the African Union were invited to participate in the discussion. The Secretary-General was also present.

The President (Pakistan) drew the attention of the Council to a draft resolution;³ it was then put to the vote and adopted unanimously as resolution 1545 (2004) by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided to authorize the deployment of a peacekeeping operation in Burundi called the United Nations Operation in Burundi (ONUB);

Decided that ONUB would be headed by the Special Representative of the Secretary-General who chaired the Implementation Monitoring Committee of the Arusha Agreement, and would initially be composed of existing African Mission in Burundi forces;

Decided further that ONUB should consist of a maximum of 5,650 military personnel, including 200 observers and 125 staff officers, up to 120 civilian police personnel, as well as the appropriate civilian personnel;

Requested the Secretary-General to conduct all the activities of the United Nations system in Burundi and to facilitate the coordination with other national, regional and international actors, in particular the African Union, of activities in support of the transition process, while ensuring that ONUB personnel gave special attention to issues related to gender equality, as well as to the specific needs of children;

Requested further the Secretary-General to conclude agreements with States neighbouring Burundi to enable ONUB forces to cross their respective borders in pursuit of armed combatants;

Urged the international financial institutions and the donor community to continue to contribute to the economic development of Burundi;

Decided that ONUB should carry out its mandate in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo, in particular concerning monitoring and prevention of movements of combatants across the border between Burundi and the Democratic Republic of the Congo, as well as the implementation of the disarmament and demobilization programmes.

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 Operation in Burundi (UNOB), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 24 November 2004 (5088th), 23 May 2005 (5182nd), 28 November 2005 (5310th), 27 June 2006 (5475th), and 21 December 2006 (5604th).
² S/2004/210 and Add.1.

³ S/2004/410.

**Decision of 15 August 2004 (5021st meeting):
statement by the President**

At the 5021st meeting, on 15 August 2004, the President (Russian Federation) made a statement on behalf of the Council,⁴ by which the Council, *inter alia*:

Condemned with the utmost firmness the massacre of refugees from the Democratic Republic of the Congo which occurred on the territory of Burundi, in Gatumba, on 13 August 2004;

Requested the Special Representative of the Secretary-General for Burundi, in close contact with the Special Representative of the Secretary-General for the Democratic Republic of the Congo, to establish the facts and report on them to the Council as quickly as possible;

Called upon the authorities of Burundi and of the Democratic Republic of the Congo to cooperate actively so that the perpetrators and those responsible for those crimes be brought to justice without delay;

Called upon all States in the region to ensure that the territorial integrity of their neighbours was respected;

Recalled in this respect the Declaration on the principles of good-neighbourly relations and cooperation adopted in New York on 25 September 2003;

Requested ONUB and MONUC to offer their assistance to the Burundian and Congolese authorities with a view to facilitating the investigation and to strengthening the security of vulnerable populations.

**Decision of 1 December 2004 (5093rd meeting):
resolution 1577 (2004)**

At its 5093rd meeting,⁵ on 1 December 2004, the Council included in its agenda the second report of the Secretary-General on the United Nations Operation in Burundi (ONUB).⁶ In his report, the Secretary-General observed that steady progress had been observed in the peace process, and major developments had been seen in the decision by the majority of Burundian parties to extend the transitional period under the existing arrangements for at least six months, the adoption of a clear electoral calendar and the adoption of a post-transition constitution to be put to a popular referendum. He expressed concern about, *inter alia*, the

major political and social tensions; the delay in adopting key legislation; the continuing refusal of FNL to join the peace process; the extent of human rights violations; and the culture of impunity. He stressed the need to urgently engender regional cooperation and welcomed the forthcoming summit of the International Conference on the Great Lakes. The Secretary-General also reported to the Council about the report on the joint investigation by ONUB and the Office of the United Nations High Commissioner for Human Rights⁷ into the massacre on 13 August of 152 Congolese refugees at the Gatumba refugee camp near the border to the Democratic Republic of the Congo. He noted that despite the extensive investigation, there was no clear evidence of who had organized the atrocity, although investigators believed that FNL had participated in the attack, but was likely not alone. A national investigation was still ongoing.

Statements were made by the representatives of France, Germany, Spain, the United Kingdom and the United States.⁸

The representatives of France, Germany, Spain and the United Kingdom advocated for breaking the cycle of human rights violations and impunity in Burundi. These speakers welcomed the intention of the Government of Burundi to refer the Gatumba massacre to the International Criminal Court following its own internal investigations, and welcomed the support of the Council for the efforts being made by States to end impunity, which included efforts made in cooperation with international institutions and tribunals, notably the International Criminal Court.⁹

The representative of the United States reiterated that it was the policy of the Government of the United States to ensure that its citizens, including members of its armed forces participating in peace operations, were protected from criminal prosecutions or other assertion of jurisdiction of the International Criminal Court. He added that his delegation supported the resolution based on the understanding that it in no way directed, encouraged or authorized ONUB to cooperate with or support the Court, and that it did not change the

⁴ S/PRST/2004/30.

⁵ At the 5042nd meeting, held in private on 23 September 2004, the members of the Council heard a briefing and had a constructive exchange of views with the President of Burundi.

⁶ S/2004/902, submitted pursuant to resolution 1545 (2004).

⁷ S/2004/821.

⁸ The representative of Burundi was invited to participate in the meeting but did not make a statement.

⁹ S/PV.5093, p. 2 (France); pp. 3-4 (Germany); p. 4 (United Kingdom); and pp. 4-5 (Spain).

existing mandate of ONUB regarding the investigation of violations of humanitarian law.¹⁰

The President (Algeria) drew the attention of the Council to a draft resolution;¹¹ it was adopted unanimously as resolution 1577 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the mandate of ONUB, as defined in its resolution 1545 (2004), should be extended until 1 June 2005;

Urged all the Governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and of international humanitarian law, and actively to cooperate with ONUB and MONUC and with efforts of States aimed at ending impunity;

Requested ONUB and MONUC to continue to provide their assistance, within their mandate, to the Burundian and Congolese authorities, with a view to facilitating the completion of the investigation into the Gatumba massacre and to strengthening the security of vulnerable populations;

Requested the Secretary-General to keep it informed on a regular basis of developments in the situation in Burundi, the implementation of the Arusha Agreement, the execution of the ONUB mandate and the action taken by the Burundian authorities following the Council's recommendations in the fight against impunity, and to submit a report on these developments every three months.

**Decision of 14 March 2005 (5141st meeting):
statement by the President**

At its 5141st meeting, on 14 March 2005, the Council included in its agenda the third report of the Secretary-General on ONUB.¹² In his report, the Secretary-General observed that the six-month extension of the transitional period that had begun on 1 November had allowed the Burundian parties to advance the peace process despite some delays in the electoral calendar. The Transitional Government had passed a number of important laws, including one establishing a National Truth and Reconciliation Commission. He also noted other progress, including the imminent referendum on a new constitution, the preparation for elections, and the commencement of the demobilization, disarmament and reintegration process. He expressed concern about considerable

political tensions in the country, as well as the extent of human rights violations and the culture of impunity. He also underlined the importance of continuing the same level of regional and international engagement to ensure the sustainability of peace after the elections.

The representative of Burundi was invited to participate in the discussion. The President (Brazil) made a statement on behalf of the Council,¹³ by which the Council, *inter alia*:

Welcomed the approval by the Burundian people of the post-transitional Constitution, through the referendum of 28 February 2005 whose final results had just been declared;

Called upon all Burundians to remain committed to the course of national reconciliation, for further steps remained to be taken;

Invited in particular the political leadership in the country to work together towards the common goal of holding, expeditiously, local and national elections that were free and fair;

Encouraged the donor community to continue providing its assistance to that end.

**Decision of 23 May 2005 (5184th meeting):
statement by the President**

At the 5184th meeting, on 23 May 2005, the representative of Burundi was invited to participate in the discussion. The President (Denmark) made a statement on behalf of the Council,¹⁴ by which the Council, *inter alia*:

Took note with satisfaction of the declaration of 15 May 2005 made by the President of Burundi and by the leader of Palipehutu-FNL, in particular the commitment by both parties to immediately cease hostilities, agree within a month on a permanent ceasefire, and negotiate without disturbing the electoral process;

Shared the understanding that this declaration was a first step that should allow FNL to be rapidly integrated, in a negotiated manner, into the transitional process currently in progress in Burundi;

Commended the efforts of States of the Regional Initiative, as well as those made by the Special Representative of the Secretary-General, to bring the peace and national reconciliation process in Burundi to a successful conclusion;

Reiterated that bringing an end to the climate of impunity in Burundi and the Great Lakes region was essential to that process and urged all Burundian parties to exert greater efforts

¹⁰ *Ibid.*, p. 3.

¹¹ S/2004/930.

¹² S/2005/149, submitted pursuant to resolution 1577 (2004).

¹³ S/PRST/2005/13.

¹⁴ S/PRST/2005/19.

to ensure success of the transition, national reconciliation and stability of the country in the longer term.

**Decision of 31 May 2005 (5193rd meeting):
resolution 1602 (2005)**

At its 5193rd meeting, on 31 May 2005, the Council included in its agenda the fourth report of the Secretary-General on ONUB.¹⁵ In his report, the Secretary-General observed that while there had been important advances, progress in the peace process had been slow, resulting in a further extension of the transitional period, and the process of reform had not yet become irreversible. What was required was the necessary political will of the Burundian parties to conclude the transitional process and to ensure that the electoral calendar was adhered to and that elections were carried out in a peaceful environment. He joined the Heads of State of the Regional Initiative in endorsing the efforts of the Government of the United Republic of Tanzania to facilitate an agreement with FNL. He expressed concern about the continuing political tensions, atmosphere of impunity and the devastating debt burden. He pointed out the contribution of ONUB to the progress achieved in the peace process and recommended the extension of its mandate.

The representative of Burundi was invited to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution;¹⁶ it was adopted unanimously as resolution 1602 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 1 December 2005;

Called upon all Burundian parties to exert greater efforts to ensure success of the transition, national reconciliation and stability of the country in the longer term, in particular by refraining from any actions which might affect the cohesion of the Arusha Agreement process;

Requested the Secretary-General to continue to keep it informed in his reports on the situation in Burundi of actions taken in the fight against impunity.

**Decision of 20 June 2005 (5207th meeting):
resolution 1606 (2005)**

At its 5203rd meeting, on 15 June 2005, the Council included in its agenda a letter dated 11 March 2005 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the assessment mission on the establishment of an international judicial commission of inquiry for Burundi.¹⁷ In the report, the assessment mission recommended the establishment of a twin mechanism: a non-judicial accountability mechanism in the form of a truth commission, and a judicial accountability mechanism in the form of a special chamber within the court system of Burundi. It also pointed out that the United Nations could no longer engage in establishing commissions of inquiry and then disregard their recommendations without seriously undermining the credibility of the Organization in promoting justice and the rule of law. It proposed, *inter alia*, a comprehensive approach to the pursuit of truth and justice by the United Nations; the engagement of the Secretary-General in negotiations with the Government of Burundi on the practical implementation of the proposals; and a broad-based, genuine and transparent process of consultation with a range of national actors and civil society to incorporate the views of the people of Burundi.

The Council then heard briefings by the Assistant Secretary-General for Legal Affairs and the Minister of Justice of Burundi, following which all Council members made statements.

The Assistant Secretary-General for Legal Affairs noted the background to the request for the establishment of an international judicial commission of inquiry, which included the four other international commissions established between 1993 and 1995, three of which had been at the request of the Council. All of those four commissions had been limited to the events of 1993, the coup d'état, the assassination of the President and the massacres that followed, but had not addressed the cycle of inter-ethnic killings that went back to the 1960s. Therefore, he stressed that the demands for the establishment of a commission of inquiry whose temporal jurisdiction extended over four decades of Burundi's recent history were an appeal for fairness in establishing and recounting the historical truth and putting the 1993 massacres in a broad historical perspective. He detailed, *inter alia*, the proposed mandate and composition of the truth

¹⁵ S/2005/328.

¹⁶ S/2005/345.

¹⁷ S/2005/158.

commission as well as the proposed legal basis under Burundian law and composition of the special chamber. He also called for international funding to the accountability mechanism and suggested the Council to mandate the Secretary-General to engage in negotiations with the Government of Burundi on the practical implementation of these proposals.¹⁸

The representative of Burundi expressed support for the recommendations of the assessment mission, which had met the dual concerns of the political negotiators in Arusha and of the people of Burundi as a whole to establish the truth, and to bring the guilty to justice and punish them. However, he maintained that the version of the truth commission did not “highlight sufficiently the aspect of reconciliation”. He, therefore, requested that the Security Council give priority to the ongoing discussions on national reconciliation as well as to specify the financing modalities for the twin mechanism. There was also a need to undertake a broad-based consultation involving all sectors of society in order to sound out the people of Burundi and encourage them to support the new truth and justice mechanisms.¹⁹

The majority of the speakers endorsed the recommendations of the assessment mission and supported the Security Council authorizing the Secretary-General to begin negotiations with the Government of Burundi to implement those recommendations. Most of the representatives welcomed the determination of the Government of Burundi to eradicate the culture of impunity. Some speakers also underlined the importance of the contribution of the Great Lakes region countries to the peace process in Burundi.

At its 5207th meeting, on 20 June 2005, the Council again included in its agenda the letter dated 11 March 2005 from the Secretary-General transmitting the report of the assessment mission.²⁰ The representative of Burundi was invited to participate in the discussion. The President (France) drew attention to a draft resolution;²¹ it was then adopted unanimously as resolution 1606 (2005), by which the Council, *inter alia*:

Requested the Secretary-General to initiate negotiations with the Government and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame;

Decided to remain seized of the matter.

Decision of 30 August 2005 (5252nd meeting): statement by the President

At the 5252nd meeting, on 30 August 2005, the representative of Burundi was invited to participate in the discussion. The President (Japan) made a statement on behalf of the Council,²² by which the Council, *inter alia*:

Acknowledged the election of Pierre Nkurunziza as President of the Republic of Burundi, on 19 August 2005;

Paid tribute to the spirit of peace and dialogue demonstrated by the Burundian people throughout the transitional period, and commended them for their encouraging participation in the electoral process;

Called on all parties to respect the will of the Burundian people, the elected Government and the commitments agreed during the transitional process;

Encouraged the new authorities to continue on the course of stability and national reconciliation and to promote social concord;

Reaffirmed in this regard that it was essential to bring an end to the climate of impunity;

Commended the critical contribution of the Regional Initiative for Peace in Burundi, the African Union and the United Nations Operation in Burundi made to the peace process;

Called upon all international partners of Burundi, including the States of the Regional Initiative and the main donors, to remain committed, and encouraged them to agree with the Burundian authorities on the most appropriate framework to coordinate their support to reforms currently under way and to the consolidation of peace.

Decision of 22 September 2005 (5268th meeting): statement by the President

At its 5268th meeting, on 22 September 2005, the Council included in its agenda the special report of the Secretary-General on ONUB.²³ In his report, the Secretary-General welcomed the successful conduct of the national elections, the inauguration of a democratically elected President and the conclusion of

¹⁸ S/PV.5203, pp. 2-4.

¹⁹ *Ibid.*, pp. 5-6.

²⁰ S/2005/158.

²¹ S/2005/396.

²² S/PRST/2005/41.

²³ S/2005/586.

the transitional process. He congratulated the new President of Burundi on his election and encouraged him to continue to adhere to the principles of ethnic and political inclusivity. He maintained that despite the promising contacts between the Transitional Government and FNL, negotiations had not produced tangible results. He pointed out the significant challenges to the new Government, particularly the restoration of peace and stability as well as the need for continuing negotiations with FNL to conclude a comprehensive ceasefire. Finally, he recommended the early establishment of an international support mechanism as a partners' forum for Burundi. He stated that he would provide recommendations on the size and mandate of ONUB in the post-transitional phase by 15 November, but he did not anticipate an immediate reduction in the mission's military strength, although the civilian component would undergo necessary adjustments.

The representative of Burundi was invited to participate in the discussion. The President (Philippines) made a statement on behalf of the Council,²⁴ by which the Council, *inter alia*:

Took note of the Secretary-General's proposal to establish a partners' forum as an international support mechanism; also took note of the declaration adopted on 13 September 2005 in New York during the summit on Burundi;

Welcomed the decision to establish a forum of Burundi's partners and encouraged the Special Representative of the Secretary-General to conclude discussions with all concerned partners in order to establish the forum as soon as possible;

Reiterated its call to the donor community to pursue bilateral and multilateral efforts to support the country.

Decision of 30 November 2005 (5311th meeting): resolution 1641 (2005)

At its 5311th meeting, on 30 November 2005, the Council included in its agenda the fifth report of the Secretary-General on ONUB.²⁵ In his report, the Secretary-General observed that, despite the achievements made, the overall situation in Burundi remained very fragile. He maintained that the immediate and most urgent priority was to ensure that the armed conflict with FNL was brought to an end and suggested that the Council and the region might wish

to give due consideration to the use of targeted measures against those among the FNL leaders who continued to obstruct a peaceful solution. He informed Council members about, *inter alia*, security sector reform; the disarmament, demobilization and reintegration process; the economic and social crisis; United Nations assistance in the establishment of the truth and reconciliation commission and special chamber; and the humanitarian situation. On the question of the pace of the withdrawal for ONUB, he cautioned against a hasty or premature international disengagement and stressed the need to ensure that the recent gains achieved by the Burundian people were not jeopardized.

The President (Russian Federation) drew the attention of the Council to a draft resolution²⁶ and a letter dated 23 November 2005 from the representative of Burundi addressed to the President of the Security Council.²⁷ The Council heard a briefing by the Foreign Minister of Burundi.

The representative of Burundi affirmed that, with respect to security, there was peace throughout the country except for a few pockets, but he noted that FNL had refused to engage in talks to join all of the other people of Burundi on the path to reconstruction and development. He detailed the security and economic situation of the country and stressed the urgent need to financially strengthen multilateral agencies, including United Nations agencies, so that they could shift from humanitarian support to development support. He affirmed that a joint analysis by the Government of Burundi and ONUB had led to a decision to recommend a gradual disengagement, in an orderly manner, beginning on 1 January 2006. Finally, he recommended that the next mandate of ONUB focus on monitoring the borders between Burundi and the Democratic Republic of the Congo; support for the disarmament, demobilization and reintegration process and reform of the security sector; and support for human rights, transitional justice and demining.²⁸

²⁶ S/2005/741.

²⁷ S/2005/736, transmitting the report of the Government of Burundi on the evolution of the mandate of ONUB, in which the Government summarized the conclusion of the talks between the Government of Burundi and ONUB concerning the modalities for the gradual withdrawal of the ONUB forces and other areas of cooperation.

²⁸ S/PV.5311, pp. 2-4.

²⁴ S/PRST/2005/43.

²⁵ S/2005/728, submitted pursuant to resolution 1602 (2005).

The draft resolution was put to the vote and adopted unanimously as resolution 1641 (2005) by which the Council, acting under Chapter VII of the Charter, *inter alia*, decided to extend the mandate of ONUB until 15 January 2006 and to remain actively seized of the matter.

**Decision of 21 December 2005 (5341st meeting):
resolution 1650 (2005)**

At its 5341st meeting, on 21 December 2005, the Council again included in its agenda the fifth report of the Secretary-General on ONUB.²⁹ The representative of Burundi was invited to participate in the discussion. The President (United Kingdom) again drew the attention of the Council to the letter dated 23 November 2005 from the representative of Burundi,³⁰ and to a draft resolution.³¹ The draft resolution was then adopted unanimously as resolution 1650 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 1 July 2006;

Authorized the temporary redeployment of military and civilian police personnel among ONUB and MONUC and requested in this regard the Secretary-General to begin consultations with the countries contributing military and civilian police personnel to those missions;

Underlined that any personnel redeployed should continue to be counted against the authorized ceiling on military and civilian personnel of the mission from which they were being transferred, and that any such transfer should not have the effect of extending the deployment of personnel after the expiration of the mandate of their original mission, unless the Council decided otherwise;

Urged the Government to complete the implementation of the programme of disarmament, demobilization and reintegration;

Urged the international partners for the development of Burundi, including the concerned bodies of the United Nations, to continue to provide their support for the reconstruction of the country, particularly through an active participation in the donors conference to be organized in early 2006;

Decided to remain actively seized of the matter.

**Decision of 23 March 2006 (5394th meeting):
statement by the President**

At its 5394th meeting, on 23 March 2006, the Council included in its agenda the sixth report of the Secretary-General on ONUB.³² In his report, the Secretary-General observed that the Government had focused its initial steps on enhancing longer-term prospects for the people of Burundi, and had put forward an ambitious legislative programme. Nonetheless, he cautioned that the country still faced acute humanitarian and social crises and an extremely fragile security and economic situation. He expressed the view that a multifaceted approach was needed to resolve the long-standing FNL question. He encouraged the leaders of the Regional Peace Initiative for Burundi and of the facilitation of the Burundi peace process to reinvigorate their support for the peace process to bring it to a conclusion. He underlined that the plan to withdraw ONUB from Burundi by 31 December 2006 had been developed in consultation with the Government, following its specific and strong request for the early disengagement of the United Nations peacekeeping presence.

The representative of Burundi was invited to participate in the discussion. The President (Argentina) made a statement on behalf of the Council,³³ by which the Council, *inter alia*:

Welcomed the statements recently made by the leader of the Forces nationales de libération, Agathon Rwasa, in Dar es Salaam, expressing his readiness to negotiate with a view to put a final end to violence;

Urged both parties to seize this opportunity for negotiations with a view to bringing peace to the whole country;

Encouraged the Burundian parties to continue on the course of the reforms agreed in Arusha, while maintaining the spirit of dialogue, consensus and inclusion which had made possible the success of the transition in their country;

Invited the States of the Regional Initiative to continue to work with the Burundian authorities on the consolidation of peace in the country and in the region;

Encouraged the international community — including the relevant United Nations agencies — to continue to support the Burundian authorities following the disengagement of ONUB in the long term.

²⁹ S/2005/728.

³⁰ S/2005/736.

³¹ S/2005/811.

³² S/2006/163.

³³ S/PRST/2006/12.

**Decision of 30 June 2006 (5479th meeting):
resolution 1692 (2006)**

At its 5479th meeting, on 30 June 2006, the Council included in its agenda the seventh report of the Secretary-General on ONUB.³⁴ In his report, the Secretary-General welcomed, *inter alia*, both the decision of FNL to negotiate without preconditions and the Government's decision to engage in talks with the armed group; the signing on 18 June of the Agreement on Principles towards Lasting Peace, Security and Stability in Burundi; and the agreement between the Government of Burundi and the United Nations on the priority peace consolidation areas. He also expressed concern about the increasing national and international criticism directed at the Government's approach towards opposition political parties and media. He, therefore, urged the Government of Burundi to ensure an inclusive and transparent approach to the political decision-making process as well as to uphold freedom of expression, and to remain open to dialogue with civil society, political parties and other stakeholders. Finally, he added that enhancing the capacity of the army and police was urgently required in order to minimize any security vacuum following the departure of the ONUB military contingents. Finally, he welcomed the agreement between the Government and the United Nations on the priority peace consolidation areas that would require continued United Nations support. He encouraged the Security Council to give due consideration to his recommendation to establish a United Nations integrated office in Burundi, which would signal a shift in the focus of United Nations engagement in the country to reflect the positive developments in the peace process. In the meantime, he recommended a final extension of the ONUB mandate until 31 December 2006.

The representative of Burundi was invited to participate in the discussion. The President (Denmark) drew the attention of the Council to a draft resolution;³⁵ it was then adopted unanimously as resolution 1692 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of ONUB until 31 December 2006;

Decided to extend until 30 September 2006 the authorization to redeploy temporarily a maximum of one

³⁴ S/2006/429.

³⁵ S/2006/456.

infantry battalion, a military hospital and 50 military observers from ONUB to MONUC, in accordance with resolution 1669 (2006), with the intention of renewing such authorization according to future decisions by the Security Council concerning the renewal of the mandate of MONUC;

Welcomed the intention of the Secretary-General to establish an integrated office of the United Nations in Burundi.

**Decision of 25 October 2006 (5554th meeting):
resolution 1719 (2006)**

At its 5554th meeting, on 25 October 2006, the Council again included in its agenda the seventh report of the Secretary-General on ONUB and the addendum thereto.³⁶ In the addendum to the report, the Secretary-General outlined a mandate and structure for the proposed United Nations Integrated Office in Burundi (BINUB). He stated that the establishment of the office would enable the international community, through the United Nations, to play an important role in the next critical phase in strengthening national capacity to effectively address the root causes of conflict as well as in the promotion of socioeconomic development.

The representative of Burundi was invited to participate in the discussion. The President (Japan) drew the attention of the Council to a draft resolution;³⁷ it was then adopted unanimously as resolution 1719 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to establish the United Nations Integrated Office in Burundi for an initial period of 12 months, commencing on 1 January 2007, to support the Government in its effort towards long-term peace and stability throughout the peace consolidation phase in Burundi;

Called upon the Government of Burundi and Palipehutu-FNL to expeditiously implement in good faith the Comprehensive Ceasefire Agreement which they signed at Dar es Salaam on 7 September 2006 and to pursue their efforts to resolve outstanding issues in a spirit of cooperation.

**Decision of 30 May 2007 (5686th meeting):
statement by the President**

At its 5686th meeting,³⁸ on 30 May 2007, the Council included in its agenda the first report of the

³⁶ S/2006/429 and Add.1.

³⁷ S/2006/839.

³⁸ At its 5678th meeting, held in private on 21 May 2007, the Council invited the Executive Representative of the Secretary-General for Burundi. The members of the Council heard a briefing by the representative of Norway

Secretary-General on BINUB.³⁹ In his report, the Secretary-General observed that ONUB had been terminated and BINUB formally established since his last report. He noted that the overall situation remained fragile, but that the Government had taken some positive steps, including the improvement of relations with the media and civil society; the commitment to improve the human rights situation and fight corruption; and the pledge by the ruling party's new leadership to work in an inclusive and cooperative spirit with all political parties. He welcomed, *inter alia*, the revival of the Economic Community of the Great Lakes Countries, Burundi's formal accession to the East African Community; and the engagement of the Government of Burundi with the Peacebuilding Commission. He also expressed concern about the lack of resources and limited capacities to meet the high expectations of the people of Burundi for immediate peace dividends, as well as the current impasse in implementing the comprehensive ceasefire agreement. He stated that the Government's commitment to moving the process forward and to accommodating FNL demands was commendable.

The President (United States) drew the attention of the Council to a letter dated 13 February 2007 from the representative of France,⁴⁰ and made a statement on behalf of the Council,⁴¹ by which the Council, *inter alia*:

Welcomed the establishment of the United Nations Integrated Office in Burundi and the support it provided to the peace consolidation process;

Urged the Government to intensify its efforts on all aspects of reform of the security sector and to address the issue of human rights abuses committed by members of the security services, including by bringing perpetrators to justice and encouraged international partners, including BINUB in accordance with its mandate, to increase their support for this endeavour;

Urged the Government to step up its efforts to combat impunity and to promote and protect human rights;

as the Vice-Chair of the Organizational Committee of the Peacebuilding Commission and a statement made by the representative of Burundi.

³⁹ S/2007/287.

⁴⁰ S/2007/92, transmitting the conclusions of the Security Council Working Group on Children and Armed Conflict with respect to the report of the Secretary-General on children and armed conflict in Burundi.

⁴¹ S/PRST/2007/16.

Welcomed the revival of the Economic Community of the Great Lakes Countries, the Great Lakes Conference process and the upcoming formal accession of Burundi to the East African Community.

Deliberations of 28 November 2007 (5786th meeting)

At its 5786th meeting, on 28 November 2007, the Council heard a briefing by the Minister of Safety and Security of South Africa and Facilitator of the Burundi Peace Process, following which all Council members made statements.

The Facilitator of the Burundi Peace Process informed the Council of the Comprehensive Peace Agreement that had been signed by the Government of Burundi and FNL, but said that a number of problems had emerged. He noted that a Joint Verification and Monitoring Mechanism had been established with the participation of FNL, which had later withdrawn. In June there had been a meeting between the President of Burundi and the head of FNL, in which a number of steps had been agreed, including the return of FNL to Burundi. However, there had been a split in FNL that had seen a number of combatants abandoning their positions and attempting to join the disarmament, demobilization and reintegration programme, as well as attacks on those trying to leave. He called for help on behalf of the African Union and the Regional Initiative from the international community and the United Nations for the process of disarmament, demobilization and reintegration, particularly of those FNL members who had already made themselves available, and to put pressure on the leadership of FNL to fully implement the ceasefire agreement.⁴²

Most speakers welcomed the establishment of a new National Unity Government on 14 November 2007 as well as the resumption of the work of the parliament. The majority of the representatives called for, *inter alia*, the full implementation of the Comprehensive Ceasefire Agreement, and for FNL to rejoin the peace process, specifically to retake their place within the Joint Verification and Monitoring Mechanism without delay or preconditions. Several speakers commended the efforts of the Government of South Africa, the Regional Peace Initiative, the Special African Union Task Force, the United Nations Integrated Office in Burundi, and the Facilitator of the

⁴² S/PV.5786, pp. 2-6.

Burundi Peace Process. A number of speakers expressed support for the draft statement to the press on Burundi prepared by the delegation of France.

The representative of South Africa called on the Security Council and the international community to act in unison in support of the Regional Peace Initiative and its programmes as well as on the international community to exert pressure on FNL to rejoin the peace process. He also pointed out that it was important that the process continued to receive the full support of the Security Council, in line with Chapter VIII of the Charter of the United Nations.⁴³

The representative of the Congo believed that the difficulties besetting the subregion were such that the risk of a new outbreak of violence would also have a collateral effect on neighbouring countries and could even undo the efforts of the international community there, including in the Democratic Republic of the Congo. As a result, echoed by the representative of China, he supported the appeal for facilitation assistance.⁴⁴

**Decision of 19 December 2007 (5809th meeting):
resolution 1791 (2007)**

At its 5793rd meeting, on 6 December 2007, the Council included in its agenda the second report of the Secretary-General on BINUB.⁴⁵ In his report, the Secretary-General observed that the political situation had deteriorated considerably during the previous period, due to a political crisis triggered by tensions in the ruling CNDD-FDD party and the detention of its former Chairman. The deterioration of the overall security situation and the continued human rights violations were also of concern. Nonetheless, the appointment of an inclusive Government on 14 November as well as the positive outcome of the dialogue between the President of Burundi and the Union pour le progrès national and the Front pour la démocratie au Burundi were encouraging developments in the peace consolidation process. He reiterated that it was imperative that FNL resume its participation in the Joint Verification and Monitoring Mechanism without delay or preconditions. He encouraged the Security Council and the African Union to explore additional ways to support the process and expressed the belief

that BINUB needed to play a more robust role in support of the peace process between the Government of Burundi and FNL, in full coordination with regional and international partners.

The Council heard a briefing by the representative of Norway, Chairman of the Burundi configuration of the Peacebuilding Commission.⁴⁶

The Chairman informed Council members that the Peacebuilding Commission had concluded the development of a strategic framework for peacebuilding in Burundi and adopted a monitoring and tracking mechanism for that framework. He also recommended that the Council closely monitor the situation in Burundi, and that it consider, if necessary, taking appropriate action with a view to the effective implementation of the ceasefire by the set date.⁴⁷

At its 5809th meeting, on 19 December 2007, the Council again included in its agenda the second report of the Secretary-General on BINUB.⁴⁸

The representative of Burundi was invited to participate in the discussion. The President (Italy) drew the attention of the Council to a draft resolution;⁴⁹ it was then adopted unanimously as resolution 1791 (2007), by which the Council, inter alia:

Decided to extend until 31 December 2008 the mandate of BINUB as set out in resolution 1719 (2006);

Encouraged the authorities and political actors in Burundi to continue their dialogue;

Urged Palipehutu-FNL to return to the Joint Verification and Monitoring Mechanism without delay or preconditions and to immediately release all children associated with it;

Called on both parties to the Comprehensive Ceasefire Agreement to refrain from any action that might lead to a resumption of hostilities and to resolve outstanding issues in a spirit of cooperation;

⁴³ Ibid., p. 9.

⁴⁴ Ibid., p. 10 (Congo); and p. 12 (China).

⁴⁵ S/2007/682, submitted pursuant to resolution 1719 (2006).

⁴⁶ The representative of Burundi was invited to participate in the meeting but did not make a statement.

⁴⁷ S/PV.5793, pp. 2-3.

⁴⁸ S/2007/682.

⁴⁹ S/2007/740.

Encouraged the South African Facilitation, the Regional Peace Initiative, the African Union and other international partners to reinforce efforts in support of the early conclusion of the peace process between the Government of Burundi and Palipehutu-FNL;

Requested the Secretary-General, including through BINUB, to play a robust political role in support of the peace process;

Encouraged BINUB and the Facilitation to expedite their consultations on a common approach to deal with the issue of alleged FNL dissidents;

Encouraged the Government of Burundi to pursue its efforts regarding peace consolidation challenges.

6. The situation in Sierra Leone

Decision of 30 March 2004 (4938th meeting): resolution 1537 (2004)

At its 4938th meeting,¹ on 30 March 2004, the Security Council included in its agenda the report of the Secretary-General on the United Nations Mission in Sierra Leone (UNAMSIL) dated 19 March 2004.² In his report, the Secretary-General observed that the carefully calibrated exit strategy for UNAMSIL that had been approved by the Security Council after the national elections in 2002 had yielded significant benefits for the country. In particular, the extended presence of the Mission had created a stable security environment and given the Government the opportunity to consolidate the peace and promote national recovery. He noted several achievements that included the extension of State authority throughout the country, the completion of the disarmament, demobilization and reintegration programme, the successful launching of the Special Court, the completion of the work of the Truth and Reconciliation Commission and the successful resettlement of internally displaced persons and returnees. Progress had also been made in implementing the benchmarks

that were intended to build the capacity of the Government to assume responsibility for national security and recovery, and make it possible for UNAMSIL to begin disengaging without putting peace at risk. However, progress in many of those areas remained fragile, and the serious shortfalls facing the armed forces in logistics and infrastructure meant that it was not possible for the Government to assume effective responsibility for the country's external security by the time the UNAMSIL mandate was terminated in December. Therefore, on the basis of the findings of an interdepartmental assessment mission led by the Department of Peacekeeping Operations in Sierra Leone from 9 to 19 February 2004, the Secretary-General recommended the establishment of a residual United Nations peacekeeping operation in Sierra Leone after the termination of the mandate of UNAMSIL on 31 December 2004 to facilitate a seamless transition to the follow-on mission that would provide more time to complete key residual tasks of UNAMSIL, allow the Special Court to complete its work and give the country extra space to further stabilize and recover.

The representative of Sierra Leone was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;³ it was put to the vote and adopted unanimously and without debate as resolution 1537 (2004), by which the Council, on the basis of the report of the Secretary-General, *inter alia*:

¹ During this period, in addition to the meetings covered in this chapter, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Observer Mission in Sierra Leone (UNAMSIL), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 24 March 2004 (4932nd), 15 September 2004 (5035th), and 20 December 2005 (5333rd).

² S/2004/228, submitted pursuant to resolution 1492 (2003).

³ S/2004/256.

Decided that the mandate of UNAMSIL should be extended for a period of six months, until 30 September 2004;

Decided that a residual UNAMSIL presence would remain in Sierra Leone, for an initial period of six months from 1 January 2005, reduced from the December 2004 level of 5,000 troops by 28 February 2005 to a new ceiling of 3,250 troops, 141 military observers and 80 United Nations civilian police personnel, and requested the Secretary-General to proceed with planning on the basis of the recommendations in his report;

Requested the Secretary-General to provide by 15 September 2004 a progress report, including progress made in the work of the Special Court for Sierra Leone, progress in resolving the conflict in Liberia, further increases in the capability of the Sierra Leone Police and armed forces, and strengthened cooperation among United Nations missions in the subregion;

Requested UNAMSIL to share its experience with the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire and to carry out its mandate in close liaison with them.

Decision of 17 September 2004 (5037th meeting): resolution 1562 (2004)

At its 5037th meeting, on 17 September 2004, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 9 September 2004.⁴ In his report, the Secretary-General observed that the overall gradual progress and stable political environment in Sierra Leone had continued to facilitate the consolidation of peace in the country, although many challenges remained on the path to achieving long-term stability and recovery, particularly with regard to the security sector, the restoration of the rule of law, and the promotion of human rights and sustainable development. In order to continue with the gradual drawdown of UNAMSIL and to ensure a seamless transition from the current configuration of UNAMSIL to its residual presence in Sierra Leone, the Secretary-General therefore recommended that the mandate of the Mission be extended for a period of nine months, until 30 June 2005, to contribute to the further stabilization of the country and the subregion.

The representative of Sierra Leone was invited to participate in the discussion. The President (Spain) 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 1562 (2004), by which the

Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that the mandate of UNAMSIL should be extended until 30 June 2005;

Decided further that the tasks of the residual UNAMSIL presence, which should remain in Sierra Leone for an initial period of six months from 1 January 2005, as set out in paragraph 5 of resolution 1537 (2004) of 30 March 2004, should be the following:

To monitor the overall security situation, to support the Sierra Leone armed forces and police in patrolling the border and diamond-mining areas;

To support the Sierra Leone Police in maintaining internal security; to assist the Sierra Leone Police with its programme of recruitment, training and mentoring designed to strengthen further the capacity and resources of the Police;

To protect United Nations personnel, installations and equipment and ensure the security and freedom of movement of United Nations personnel, within its capabilities and its areas of deployment;

To monitor the repatriation, reception, resettlement and reintegration of Sierra Leonean ex-combatants from abroad;

To monitor, investigate, report and promote the observance of human rights;

To disseminate information on the Mission's mandate and purpose and publicize the Government's primary responsibility for national security;

To monitor progress towards consolidation of State authority throughout the country;

Authorized the residual UNAMSIL presence to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment.

Deliberations of 24 May 2005 (5185th meeting)

At its 5185th meeting, on 24 May 2005, at which no statements were made, the Council heard a briefing from the President of the Special Court for Sierra Leone on the Court's efforts to implement its mandate in accordance with resolution 1315 (2000) and the Agreement between the United Nations and the Government of Sierra Leone. The representative of Sierra Leone was invited to participate in the discussion.

In his briefing, the President of the Special Court for Sierra Leone described the progress made by the Special Court, since the inception of its operations in July 2002, in particular in the areas of personnel, infrastructure, prosecutorial activities and judicial

⁴ S/2004/724, submitted pursuant to resolution 1537 (2004).

⁵ S/2004/741.

activities, and outlined the challenges ahead, with reference to the issues of funding, security and cooperation of States.⁶

**Decision of 30 June 2005 (5219th meeting):
resolution 1610 (2005)**

At its 5219th meeting,⁷ on 30 June 2005, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 26 April 2005.⁸ In his report, the Secretary-General noted that the outstanding challenges in ensuring peace consolidation in Sierra Leone would be best addressed by the Government with the support of United Nations agencies and programmes, as well as bilateral donors, which were most suited for post-conflict capacity-building. Observing that an adjustment in the strategy of the United Nations involvement in Sierra Leone was warranted, he recommended a final extension of the mandate of UNAMSIL. The Secretary-General also indicated that, after the termination of UNAMSIL, a strong United Nations system presence was likely to be needed in Sierra Leone to continue to build peace by enhancing political and economic governance and also the national capacity for conflict prevention.

The representative of Sierra Leone was invited to participate in the discussion. The President (France) drew the attention of the Council to a letter dated 29 June 2005 from the representative of Sierra Leone addressed to the President of the Security Council,⁹ transmitting a letter from the President of Sierra Leone to the Secretary-General, in which he expressed support for a follow-on United Nations presence after the withdrawal of UNAMSIL that would help support the Government in capacity-building and preparing for the elections, as well as in the areas of peace consolidation, governance, development, human rights and security.

The President also drew attention to a draft resolution;¹⁰ it was put to the vote and adopted unanimously and without debate as resolution 1610 (2005), by which the Council, on the basis of the report

of the Secretary-General, and acting under Chapter VII of the Charter, inter alia:

Decided that the mandate of UNAMSIL should be extended for a final period of six months until 31 December 2005;

Requested the Secretary-General to finalize the necessary planning for an appropriate integrated United Nations system presence in Sierra Leone with the capacity and expertise to coordinate the activities of United Nations agencies, funds and programmes, to cooperate with the donor community, and to continue to support the efforts of the Government of Sierra Leone after UNAMSIL had withdrawn;

Urged the Government of Sierra Leone to continue its efforts to develop an effective police force, armed forces, penal system and independent judiciary;

Decided to remain actively seized of the matter.

**Decision of 31 August 2005 (5254th meeting):
resolution 1620 (2005)**

At its 5254th meeting, on 31 August 2005, the Council continued its consideration of the report of the Secretary-General dated 26 April 2005, and the addenda thereto.¹¹ In the second addendum, the Secretary-General recommended the establishment of a United Nations integrated office in Sierra Leone.

The representative of Sierra Leone was invited to participate in the discussion. The President (Japan) drew the attention of the Council to a draft resolution;¹² it was put to the vote and adopted unanimously and without debate as resolution 1620 (2005), by which the Council, inter alia:

Requested the Secretary-General to establish the United Nations Integrated Office in Sierra Leone for 12 months beginning on 1 January 2006 with the following tasks:

(a) To assist the Government in: building the capacity of State institutions; developing a national action plan for human rights and establishing the national human rights commission; building the capacity of the National Electoral Commission; enhancing good governance, transparency and accountability of public institutions; strengthening the rule of law; strengthening the Sierra Leonean security sector; promoting a culture of peace, dialogue and participation; developing initiatives for the protection and well-being of youth, women and children;

(b) To liaise with the Sierra Leonean security sector;

¹¹ S/2005/273 and Add.1 and 2.

¹² S/2005/554.

⁶ S/PV.5185, pp. 2-6.

⁷ At its 5186th meeting, held in private on 24 May 2005, the Council invited the President of the Special Court for Sierra Leone. A constructive discussion followed.

⁸ S/2005/273 and Add.1.

⁹ S/2005/419.

¹⁰ S/2005/418.

(c) To coordinate with United Nations missions and offices and regional organizations in West Africa in dealing with cross-border challenges such as the illicit movement of small arms, human trafficking and smuggling and illegal trade in natural resources;

(d) To coordinate with the Special Court for Sierra Leone; requested the Secretary-General to continue planning for security for the Special Court for Sierra Leone and to keep the Council regularly informed of progress with establishing the United Nations integrated office in Sierra Leone, and thereafter with the implementation of the resolution; decided to remain actively seized of the matter.

Decision of 20 December 2005 (5334th meeting): statement by the President

At its 5334th meeting, on 20 December 2005, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 12 December 2005.¹³ In his report, the Secretary-General provided an assessment of the situation in Sierra Leone as UNAMSIL departed, an analysis of the Mission's accomplishments and exit strategy as well as an update on preparations for the establishment of the United Nations Integrated Office in Sierra Leone (UNIOSIL). The Secretary-General reported that administrative preparations for setting up UNIOSIL, which would become operational on 1 January 2006, were in the final stages, as the budget and staffing proposals, as well as logistical and security arrangements were being finalized.

All members of the Council and the representative of Sierra Leone made statements, and the Council heard a briefing from the Special Representative of the Secretary-General for Sierra Leone on the situation in the country on the eve of the departure of UNAMSIL.

In his briefing, the Special Representative analysed the Mission's exit strategy, its achievements and shortcomings, emphasizing that the Mission had completed most of the tasks assigned to it, including the disarmament, demobilization and reintegration of over 72,000 combatants, the return of over half a million refugees, the restoration of Government authority throughout the country, and the retraining and restructuring of the country's security apparatus. He also noted that organizational preparations for the 2008 elections were ongoing and he expressed hope that the

holding of a free and credible poll would constitute a key benchmark in the achievement of long-term stability in Sierra Leone.¹⁴

In their statements, members of the Council, *inter alia*, welcomed the successful completion of the mandate of UNAMSIL; expressed support for the innovative approach applied by UNAMSIL, including its exit strategy based on benchmarks, the concept of an integrated mission and the coordination mechanism for subregional peacekeeping forces; hoped that the lessons that could be drawn from the peacekeeping experience in Sierra Leone could enrich the body of best practices for the design and management of peacekeeping operations; stressing that Sierra Leone was entering a new phase towards stabilization and sustainable peace, welcomed the establishment of UNIOSIL; recognized the importance of a cohesive and long-term approach towards Sierra Leone and urged the international community to continue to assist the country during the peacebuilding phase, particularly during the elections. With respect to the subregion, they welcomed the increased cooperation between the United Nations missions and entities as well as the regional efforts by the Economic Community of West African States and the Mano River Union.

At the end of the discussion, the President (United Kingdom) made a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Commended UNAMSIL for its invaluable contribution over the last six years to democracy and prosperity;

Noted with satisfaction the innovations in the Mission's methods of operation that might prove useful best practice in making other United Nations peacekeeping operations more effective and efficient;

Encouraged Sierra Leone's development partners to continue their support;

Encouraged all States, particularly States in the subregion, to cooperate fully with the Special Court for Sierra Leone and to provide it with the necessary financial resources;

Continued to emphasize the importance of a regional approach to the countries of West Africa.

Decision of 16 June 2006 (5467th meeting): resolution 1688 (2006)

¹³ S/2005/777, submitted pursuant to resolution 1620 (2005).

¹⁴ S/PV.5334, pp. 2-6.

¹⁵ S/PRST/2005/63.

At its 5467th meeting, on 16 June 2006, the Council included in its agenda letters dated 31 March and 15 June 2006 from the representatives of the Netherlands¹⁶ and the United Kingdom,¹⁷ respectively, addressed to the President of the Security Council. In his letter, the representative of the Netherlands informed the President that, after receiving a letter from the President of the Special Court for Sierra Leone seeking the consent of the Government of the Netherlands to hold the trial of Charles Taylor in the Netherlands, his Government had informed the Special Court that it was willing to host the trial of Charles Taylor, provided that a few conditions, outlined in a letter from the Government of the Netherlands to the Special Court for Sierra Leone dated 29 March 2006, were met. By his letter, the representative of the United Kingdom transmitted a ministerial statement of 15 June 2006 by which the Secretary of State for Foreign and Commonwealth Affairs agreed to allow former President Charles Taylor, if convicted and should circumstances require, to enter the United Kingdom to serve any sentence imposed by the Court.

A statement was made by the representative of the Russian Federation.¹⁸ The President (Denmark) drew the attention of the Council to a draft resolution submitted by the United Kingdom;¹⁹ it was put to the vote and adopted unanimously as resolution 1688 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Took note of the intention of the President of the Special Court to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court;

Welcomed the willingness of the Netherlands to host the Special Court and the willingness of the International Court of Justice to allow the use of its premises for the detention and trial of former President Taylor by the Special Court, including any appeal; requested all States to cooperate to that end, and encouraged them to ensure that any evidence or witnesses were, upon the request of the Special Court, promptly made available to the Special Court;

Requested the Secretary-General to assist, as a matter of priority, in the conclusion of all necessary legal and practical arrangements, including for the transfer of former President Taylor to the Special Court;

¹⁶ S/2006/207.

¹⁷ S/2006/406.

¹⁸ The representatives of Liberia and Sierra Leone were invited to participate in the meeting, but did not make statements.

¹⁹ S/2006/405.

Requested the Special Court, with the assistance of the Secretary-General and relevant States, to make the trial proceedings accessible to the people of the subregion, including through video link;

Decided that the Special Court should retain exclusive jurisdiction over former President Taylor during his transfer to and presence in the Netherlands in respect of matters within the statute of the Special Court, and that the Netherlands should not exercise its jurisdiction over former President Taylor except by express agreement with the Special Court; decided further that the Government of the Netherlands should facilitate the implementation of the decision of the Special Court to conduct the trial of former President Taylor in the Netherlands;

Decided that the measures imposed by subparagraph 4 (a) of resolution 1521 (2003) of 22 December 2003 should not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court, as well as any travel related to the execution of the judgment, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial was required;

Decided to remain seized of the matter.

Speaking after the vote, the representative of the Russian Federation stated that, although agreeing on the need to hold a trial for Charles Taylor away from the seat of the Special Court for Sierra Leone, his country believed that, for the purposes of the resolution, action under Chapter VII of the Charter was unique and exceptional in nature and did not set a precedent for resolving similar issues.²⁰

Decision of 22 December 2006 (5608th meeting): resolution 1734 (2006)

At its 5608th meeting, on 22 December 2006, the Council included in its agenda the report of the Secretary-General on UNIOSIL dated 28 November 2006.²¹ In his report, the Secretary-General observed that, although Sierra Leone continued to make progress in its peacebuilding efforts, the country still faced major challenges which needed the sustained support of the international community, especially in its efforts to address the root causes of the conflict. He added that the successful conduct of the upcoming elections in 2007 and the wide acceptance of the outcome would be important indicators of the sustainability of peace and stability in the country. He therefore recommended the extension of the mandate of UNIOSIL for a further period of six months and an increase of the mission's

²⁰ S/PV.5467, p. 2.

²¹ S/2006/922, submitted pursuant to resolution 1620 (2005).

strength by 5 additional officers and that of the Police Section by 10 additional police officers to ensure effective support for Sierra Leone's security sector in carrying out its election-related responsibilities.

Statements were made by the representatives of the United Kingdom and the Netherlands.²² The President (Qatar) drew the attention of the Council to a draft resolution;²³ it was put to the vote and adopted unanimously as resolution 1734 (2006), by which the Council, on the basis of the report of the Secretary-General, *inter alia*:

Decided to extend the mandate of UNIOSIL, as outlined in resolution 1620 (2005), until 31 December 2007;

Endorsed the increase in the number of personnel of UNIOSIL recommended in paragraph 70 of the report of the Secretary-General of 28 November 2006, for the period from 1 January to 31 October 2007 in order to enhance the support provided by UNIOSIL for the elections and its ability to carry out its functions elsewhere in Sierra Leone;

Requested the Secretary-General to keep the Council regularly informed of progress made in the implementation of the mandate of UNIOSIL and the resolution.

Speaking after the vote, the representative of the United Kingdom recognized the huge steps taken by Sierra Leone since the departure of UNAMSIL, underlining in particular the work done by the Special Court for Sierra Leone and the trial of former President Charles Taylor. Noting that the upcoming presidential and parliamentary elections would be crucial towards building a sustainable democracy, he underlined three priority areas in the next year: first, the fight against corruption; second, the civil service reform; and third, the development of clear policies and strategies to tackle poverty and generate economic development.²⁴ The representative of the Netherlands, in his capacity as Chairman of the Sierra Leone configuration of the Peacebuilding Commission, informed the Council that, after the decision of the Commission to include Sierra Leone in its agenda, discussions were undertaken by the Commission at two-week meetings on Sierra Leone. He reported on some key outcomes of the discussion, underlining that a foundation was laid for a comprehensive approach to post-conflict reconstruction and development and for a strong partnership between

the Government of Sierra Leone and the international community.²⁵

Deliberations of 8 June 2007 (5690th meeting)

At its 5690th meeting, on 8 June 2007, the Council heard briefings by the President and the Prosecutor of the Special Court for Sierra Leone. Statements were made by all members of the Council and the representatives of Canada, Germany (on behalf of the European Union),²⁶ Nigeria, the Netherlands and Sierra Leone and the Deputy Secretary-General. The President (Belgium) drew the attention of the Council to a letter dated 7 June 2007 from the representative of Canada addressed to the President of the Security Council, transmitting, in that State's capacity as Chair of the Management Committee of the Special Court for Sierra Leone, the Court's completion strategy and a summary of the Court's completion budget.²⁷

In his briefing, the President of the Special Court for Sierra Leone updated the Council on the status of the legal proceedings at the Special Court and its completion strategy. He informed the Council that the trial of members of the Civil Defence Force and Armed Forces Revolutionary Council had concluded and a judgement was expected shortly. On the trial of the Revolutionary United Front, he reported that the defence was currently presenting its case and a judgement was expected by June 2008. He further reported that the trial of the former President of Liberia, Charles Taylor, had commenced on 4 June, and it was projected that the trial proceedings would last until November 2008. As for the completion strategy, he stated that the Special Court for Sierra Leone was expected to conclude all its judicial activity, both in Freetown and in The Hague, by the end of 2009. On the continuing challenges facing the Special Court, he stipulated that secure funding was required, as well as cooperation of the international community to negotiate and conclude additional agreements for the enforcement of potential sentences and the relocation of witnesses.²⁸

²² The representative of Sierra Leone was invited to participate in the meeting but did not make a statement.

²³ S/2006/1012.

²⁴ S/PV.5608, pp. 2-3.

²⁵ *Ibid.*, pp. 3-4.

²⁶ Albania, Iceland, Montenegro, Norway, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

²⁷ S/2007/338.

²⁸ S/PV.5690, pp. 2-4.

The Prosecutor of the Special Court for Sierra Leone provided the Council with an overview of the duties of his office, including its accomplishments and future role in the indictment of former President Charles Taylor for war crimes. He also echoed the appeal made by the President of the Special Court, reiterating that the Special Court needed additional resources, and urged Member States to renew their support.²⁹

The Deputy Secretary-General commended the work of the Special Court and noted that this new model of justice would be beneficial to the people of Sierra Leone. Recalling that the Special Court had contributed to the restoration of peace and security in Sierra Leone and the region, she reiterated her request that the international community support the Special Court to ensure the successful completion of its mandate.³⁰

In their statements, recognizing the progress made by the Court in its trials, particularly that of former President Charles Taylor in The Hague, in the fight against impunity, most speakers, *inter alia*, stressed that it was essential that the international community supported the Special Court and appealed to Member States to respond positively to the calls for financial contributions. The representative of the Russian Federation questioned whether the timeline projecting the end of the trial was realistic considering the hearings had already been delayed.³¹ The representative of the United States stated that the Special Court represented a test of a new model of international justice that had mixed jurisdiction and was seated in the country where the crimes had been committed. Similarly, the representative of France noted that the Special Court had broken new grounds in its communication strategy, coordination with the United Nations Mission in Liberia and cooperation with the International Court of Justice and that it had served as a source of inspiration for the Special Tribunal for Lebanon.³² The representative of Germany, on behalf of the European Union, echoed by the representative of Belgium, noted that the Court was contributing to the development of international criminal law, by instituting landmark proceedings that investigated the use of child soldiers and forced marriages.³³ The representative of Sierra Leone expressed support for the Special Court, and stated that

the independence of the Court had been a critical factor in its ability to do its work and reach the people of Sierra Leone. While highlighting a few of the challenges faced by the Court, he stated that for the trial of Charles Taylor in The Hague it was important to ensure the perception of it being independent, as it was taking place on the premises of the International Criminal Court, and that the people of Sierra Leone had the access that they had come to expect to trials being conducted on their behalf.³⁴

**Decision of 28 June 2007 (5708th meeting):
statement by the President**

At the Council's 5708th meeting, on 28 June 2007, no statements were made. The representative of Sierra Leone was invited to participate in the discussion. The President (Belgium) made a statement on behalf of the Council,³⁵ by which the Council, *inter alia*:

Reiterated its strong support for the Special Court;

Particularly noted the contribution of the Special Court to strengthening stability in Sierra Leone and the subregion and bringing an end to impunity; welcomed the commencement of the trial of Charles Taylor on 4 June 2007 in The Hague following the adoption of resolution 1688 (2006);

Acknowledged the Special Court's progress towards achieving its completion strategy;

Emphasized the vital need for further pledges of voluntary contributions in order to allow the Special Court to complete its mandate in a timely manner, and asked all State Members of the United Nations to consider making such pledges;

Urged States to consider supporting the Special Court by entering into appropriate arrangements with the Special Court for witness relocation and enforcement of sentences;

Recognized that further arrangements would be needed to address residual matters after trials and appeals were completed, including issues arising from long-term enforcement of sentences for convicted persons, the future trial of any indictees remaining at large, witness protection and the preservation of the archives of the Special Court;

Commended the important outreach activities of the Special Court in bringing its judicial work to the attention of the people of Sierra Leone.

**Decision of 21 December 2007 (5813th meeting):
resolution 1793 (2007)**

²⁹ *Ibid.*, pp. 4-6.

³⁰ *Ibid.*, pp. 6-7.

³¹ *Ibid.*, p. 14.

³² *Ibid.*, p. 8 (United States); and p. 9 (France).

³³ *Ibid.*, p. 16 (Belgium); and p. 21 (Germany).

³⁴ *Ibid.*, pp. 16-18.

³⁵ S/PRST/2007/23.

At its 5804th meeting, on 14 December 2007, the Council included in its agenda the report of the Secretary-General on UNIOSIL dated 4 December 2007.³⁶ In his report, the Secretary-General, on the basis of the findings of a technical assessment mission by the Department for Peacekeeping Operations as well as a request for further assistance from the United Nations by the President of Sierra Leone,³⁷ recommended an extension of the mandate of UNIOSIL for a final period of nine months to enable it to, *inter alia*, assist the new Government in: supporting the 2008 local elections and constitutional reform; facilitating the engagement of Sierra Leone with the Peacebuilding Commission; strengthening the security sector; assisting in building the capacity of critical State institutions, supporting the reform of the judicial sector; and addressing the root causes of the conflict, as identified by the Truth and Reconciliation Commission. The Secretary-General also recommended that UNIOSIL be replaced by a leaner integrated political office, which would focus on carrying forward the peace consolidation process, mobilizing international donor support, supporting the work of the Peacebuilding Commission and the Peacebuilding Fund and completing any residual tasks left over from the mandate of UNIOSIL, in particular promoting national reconciliation and supporting the constitutional reform process.

The Council heard a briefing by the representative of the Netherlands in his capacity as Chairman of the Sierra Leone configuration of the Peacebuilding Commission,³⁸ who reported that the Peacebuilding Commission and the Government of Sierra Leone had adopted a peacebuilding cooperation framework on 12 December 2007. He reported that the framework constituted a major milestone for Sierra Leone as it would guide the work of both the Commission and the Government over the next three years in addressing the challenges and threats most critical to sustaining and consolidating peace in Sierra Leone. Although recognizing that the primary responsibility to address such challenges rested with the people and the Government of Sierra Leone, he called on the Council and the international community to continue supporting

the work of Peacebuilding Commission and the implementation of the framework.³⁹

At its 5813th meeting, on 21 December 2007, the Council again included in its agenda the aforementioned report of the Secretary-General. The representative of Sierra Leone made a statement. The President (Italy) drew the attention of the Council to a draft resolution submitted by the United Kingdom;⁴⁰ it was put to the vote and adopted unanimously as resolution 1793 (2007), by which the Council, on the basis of the report of the Secretary-General, *inter alia*:

Decided to extend the mandate of UNIOSIL, as outlined in resolution 1620 (2005), until 30 September 2008;

Requested the Secretary-General to submit by 31 January 2008, and for the Council's consideration, a completion strategy for UNIOSIL including at least a 20 per cent reduction in staff numbers by 31 March 2008, a continued mission at 80 per cent of the current strength until 30 June 2008, and the termination of the UNIOSIL mandate by 30 September 2008;

Expressed its intention that, on the expiration of its mandate, UNIOSIL should be replaced by a United Nations integrated political office to focus on carrying forward the peacebuilding process, mobilizing international donor support, supporting the work of the Peacebuilding Commission and Fund, and completing any residual tasks left over from the UNIOSIL mandate;

And acting under Chapter VII of the Charter:

Decided to exempt from the measures imposed by paragraph 5 of resolution 1171 (1998) the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone was required.

Speaking after the vote, the representative of Sierra Leone expressed his country's gratitude to the Security Council for responding positively to the request for the extension of the presence of UNIOSIL and also to the recommendation

³⁹ S/PV.5804, pp. 2-3.

⁴⁰ S/2007/748.

³⁶ S/2007/704, submitted pursuant to resolution 1734 (2006).

³⁷ S/2007/659.

³⁸ The representative of Sierra Leone was invited to participate in the meeting but did not make a statement.

of the Secretary-General for a new office to replace UNIOSIL at the end of September 2008.⁴¹

⁴¹ S/PV.5813, pp. 2-3.

7. The situation in the Great Lakes region

Deliberations of 27 October 2004 (5065th meeting)

At its 5065th meeting, on 27 October 2004, the Security Council heard a briefing by the Special Representative of the Secretary-General for the Great Lakes region. No Council members made statements during the meeting.

In his briefing, the Special Representative outlined the steps forward with respect to the International Conference on the Great Lakes Region, and the first summit to be held in the context of the Conference. Organized jointly by the United Nations and the African Union, the objective of the Conference was the adoption of a regional stability, security and development pact.

The Special Representative noted that the preparatory regional process preceding the Conference had yielded several results. There had been an increase in the number of members in the Conference, which now consisted of 11 core members.¹ The enlargement was important for ensuring the consistency and unity of the Conference. A number of priority areas had also emerged as a result of the process, including peace and security, governance and democracy, economic development, regional integration and humanitarian and social issues.

In concluding, he stated that following the Dar es Salaam summit on 19 and 20 November, an inter-ministerial committee would be set up, tasked with creating a programme of action and a protocol to implement the Declaration adopted at the summit. In the light of that protocol and programme of action, the stage would be set for the Nairobi summit to be held in 2005.²

¹ The members now included Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, the Sudan, Uganda, United Republic of Tanzania and Zambia.

² S/PV.5065, pp. 2-4.

Decision of 27 January 2006 (5359th meeting): resolution 1653 (2006)

At its 5359th meeting, held at the ministerial level on 27 January 2006, the Council included in its agenda the item entitled "Peace, security and development in the Great Lakes region" and a letter dated 18 January 2006 from the Permanent Representative of the United Republic of Tanzania addressed to the Secretary-General.³ All Council members made statements, as did 30 other Member States.⁴ Statements were also made by the Commissioner for Peace and Security of the African Union, and the Commissioner for Development and Humanitarian Aid of the European Commission.⁵

The President (United Republic of Tanzania) drew the attention of the Council to the report of the Secretary-General dated 25 January 2006, regarding the preparations for the International Conference on the Great Lakes Region.⁶ She also drew the attention of the Council to a draft resolution.⁷

During the debate, most speakers urged unshakable commitment to the Great Lakes region, stressing that the peace processes would remain fragile for some time, and that the promise of a strong Central Africa risked relapsing into conflict without steadfast international support and economic assistance. At the same time, many speakers called for enhanced cooperation between the Security Council and the Peace and Security Council of the African Union in

³ S/2006/27.

⁴ The speakers were the representatives of Algeria, Angola, Australia, Austria (on behalf of the European Union), Belgium, Botswana, Brazil, Burundi, Cameroon, Canada, the Central African Republic, the Congo, the Democratic Republic of the Congo, Egypt, Guatemala, Kenya, Namibia, Nigeria, Norway, Pakistan, Qatar, the Republic of Korea, Rwanda, Senegal, South Africa, the Sudan, Tunisia, Uganda, Zambia and Zimbabwe.

⁵ S/PV.5359.

⁶ S/2006/46.

⁷ S/2006/51.

order to promote and maintain peace and security in the region.

Speakers generally agreed that the regional approach taken by the Security Council was the right one, and that the region's long-term stability required a growing pool of democratic nations with inclusive governments, stable institutions and functioning judiciaries.

Among recent positive developments speakers highlighted were the International Conference on the Great Lakes Region in November 2004 and the resulting Dar es Salaam Declaration, as both a framework for negotiations and an outline of guiding principles for action. Speakers also stressed the importance of implementing the reconstruction plan set out by the Special Representative of the Secretary-General for the Great Lakes Region.

The President, speaking in her capacity as representative of the United Republic of Tanzania, recalled the 1994 genocide in Rwanda, and stressed the need to work together to avoid a repeat of such catastrophes and to create a better future. Collective political will was needed to prevent and resolve conflicts, consolidate peace and build institutions of democratic governance based on the rule of law and respect for human rights. She emphasized that the Security Council was the key partner in promoting and maintaining peace and security in the region, and expressed appreciation at the response and initiatives of the Council to work with the region. Nevertheless, she stressed, residual and new challenges remained. Thus, there was a need to consolidate what had been achieved so far and mobilize the support of the international community in accomplishing those objectives. The newly established Peacebuilding Commission should focus its early attention on the region, as the necessary political environment for irreversible peace was created. She said that the countries of the region wanted to assure the Security Council and other members of the international community of their collective political determination to make the Great Lakes process a practical accomplishment. They were working at the national and international levels to create mechanisms to strengthen mutual confidence and trust as a basis for peace and stability in the region. Similarly, they had embraced democracy and good governance not only as intrinsic values, but also as necessary for their peaceful coexistence and crucial for their development. The

desirability of a regional approach in that endeavour could not be overemphasized.⁸

The representative of the Congo said that recent developments had shown that significant progress was being made in terms of peace and security. While stating that the political transition in the Democratic Republic of the Congo was going favourably after the organization of the constitutional referendum, he encouraged all parties there to work tirelessly within the peaceful transition for peace and stability.⁹

The representative of the Democratic Republic of the Congo welcomed the partnership that had been created between the Great Lakes States and the international community to build a new regional security order. In the context of efforts undertaken by his government to strengthen domestic security, he appreciated the publication of a list of persons to be subject to sanctions for violating the arms embargo against his country, as well as resolution 1649 (2005), which provided for sanctions against those exploiting natural resources. He stated that his Government wished to request the Council to exert pressure on States to extradite criminals responsible for violations.¹⁰

The representative of Rwanda commended the progress of the political process in the Democratic Republic of the Congo, and noted that many of the pillars of the Lusaka Ceasefire Agreement of 1999 had slowly but surely been realized. Instead of confrontation and conflict, States in the region were now exploring avenues of increased cooperation. Nevertheless, the representative stressed, in order to ensure lasting peace, the "unfinished business" of the Lusaka agreement needed to be addressed. There still remained one key impediment to lasting peace — the presence of "genocidal forces" and other armed groups in the region, whose sole purpose was the continued destabilization of the region.¹¹

The representative of Uganda stressed that the most urgent challenge and the biggest obstacle to peace in the Great Lakes region remained the problem of the negative forces, especially the Allied Democratic Forces, the Forces démocratiques de libération du Rwanda, the People's Redemption Army, and the Lord's

⁸ S/PV.5359, pp. 3-4.

⁹ Ibid., pp. 4-5.

¹⁰ Ibid., pp. 5-8.

¹¹ Ibid., pp. 21-23.

Resistance Army (LRA).¹² The representative of France emphasized that armed groups in the region, whether or not they were a threat to security, were the main cause of suffering; external support to them must be stopped. He also said that the question of protection of civilians was on the minds of all, as women and children remained at the mercy of LRA in northern Uganda. The recent killing of eight Guatemalan peacekeepers serving with MONUC had moreover given the problem a regional dimension.¹³

Many speakers welcomed the establishment of the Peacebuilding Commission pursuant to Security Council resolution 1645 (2005) and General Assembly resolution 60/80, and expressed hope that it would play an important role in peacebuilding and conflict resolution in the Great Lakes region.¹⁴

Following the debate, the draft resolution¹⁵ was adopted unanimously as resolution 1653 (2006), by which the Council, *inter alia*:

Urged the countries of the Great Lakes region to continue in their collective efforts to develop a subregional approach for promoting good relations, peaceful coexistence, peaceful resolution of disputes as envisaged in the Dar es Salaam Declaration;

Called upon the countries of the region to agree on confidence-building measures based on effective and concrete actions;

Urged all States concerned to take action to bring to justice perpetrators of grave violations of human rights and international humanitarian law and to take appropriate measures of international cooperation and judicial assistance in this regard;

Strongly condemned the activities of militias and armed groups operating in the Great Lakes region;

Called upon all States in the region to deepen their cooperation with a view to putting an end to the activities of illegal armed groups; urged the governments concerned in the region to enhance their cooperation to promote lawful and

transparent exploitation of natural resources among themselves and in the region.

Decision of 16 November 2006 (5566th meeting): statement by the President

At the 5566th meeting, on 16 November 2006, the President (Peru) drew the attention of Council members to a letter dated 3 November 2006 from the Permanent Representative of Uganda to the President of the Council, transmitting the agreement on the cessation of hostilities between the Government of Uganda and the Lord's Resistance Army.¹⁶ No statements were made during the meeting. The President made a statement on behalf of the Council,¹⁷ by which the Council, *inter alia*:

Welcomed efforts aimed at bringing an end to the long-running conflict in northern Uganda; welcomed the cessation of hostilities which took effect on 29 August 2006, and was renewed on 1 November 2006, and stressed the importance of both parties respecting that cessation of hostilities;

Demanded that the Lord's Resistance Army immediately release all women, children and other non-combatants, in accordance with Security Council resolution 1612 (2005) on children and armed conflict, and that the peace process be concluded expeditiously;

Welcomed the announcement by the Government of Uganda of the establishment of a Joint Monitoring Committee to oversee the delivery of a prioritized Emergency Action Plan to tackle the humanitarian issues in northern Uganda.

Decision of 20 December 2006 (5603rd meeting): statement by the President

At the 5603rd meeting, on 20 December 2006, the President (Qatar) drew attention to a letter dated 4 October 2006 from the Secretary-General, stating his intention to extend the mandate of the Office of his Special Representative for the Great Lakes region until 31 December 2006, and to finalize the preparations for the second summit on the Great Lakes region, to be held in Nairobi on 14 and 15 December 2006,¹⁸ and a letter

¹² S/PV.5359 (Resumption I), p. 16.

¹³ *Ibid.*, pp. 10-12.

¹⁴ S/PV.5359, pp. 5-9 (Democratic Republic of the Congo); pp. 9-10 (Namibia); pp. 10-12 (Botswana); pp. 16-18 (Qatar); pp. 21-23 (Rwanda); and pp. 29-31 (United Kingdom); S/PV.5359 (Resumption I), pp. 2-3 (Canada); pp. 4-6 (Burundi); pp. 13-15 (Kenya); pp. 18-20 (Zambia); 20-21 (South Africa); pp. 30-31 (Australia); p. 31 (Tunisia); pp. 32-34 (Egypt); pp. 34-35 (Republic of Korea); pp. 35-36 (Algeria); pp. 39-40 (Nigeria); pp. 40-41 (Pakistan); p. 42 (Brazil); and pp. 43-44 (Cameroon).

¹⁵ S/2006/51.

¹⁶ S/2006/861.

¹⁷ S/PRST/2006/45.

¹⁸ S/2006/811, also transmitting a letter dated 27 September 2006 from the Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, on behalf of the Regional Inter-Ministerial Committee of the International Conference on the Great Lakes Region.

containing the President's response to the Secretary-General.¹⁹

The Council heard briefings by the Special Representative of the Secretary-General for the Great Lakes region and the First Executive Secretary of the Secretariat of the International Conference on the Great Lakes Region. Following the briefings, all Council members made statements, as did the representatives of Canada²⁰ the Democratic Republic of the Congo, Finland²¹ and Rwanda.

The Special Representative of the Secretary-General for the Great Lakes region heralded the Nairobi Pact of 15 December as historic and forward-looking. He said the summit had been a convergence of efforts to turn the page on what, for decades, had seemed like an inevitable spiral of violence, conflict, war and humanitarian and social tragedy. He highlighted that it should be remembered, however, that 6 of the 11 countries in the region had emerged from violent conflicts; a seventh was still confronted by a regional rebellion; and an eighth was trying to implement three peace agreements simultaneously. The Security Council itself knew that the nature of interrelations between peoples and countries of a region meant that an internal conflict could easily become regional. It must be ensured, therefore, that the United Nations continued to play a role of peacemaking and peacebuilding in the Great Lakes region, and there must be continued close cooperation between the African Union and the United Nations at this crucial time in the history of the region.²²

The First Executive Secretary of the Secretariat of the International Conference on the Great Lakes Region, noting that the Security Council had been instrumental in convening the Conference, appealed to the Council to extend the Office of the Special Representative until March 2007, in order to assist the

new Conference Secretariat by providing technical support and allowing a smooth handover of the residual responsibilities. The future of the region lay in implementing the Nairobi Pact, and the Secretariat would hold high the values of ownership, partnership and complementarity that had guided the Great Lakes region peace process thus far.²³

In their statements, all Council members reiterated their appreciation of the signing of the Pact on Security, Stability and Development in the Great Lakes Region. Members pointed out that, although that region had seen recurring ethnic violence, wars and grave human rights violations, there were strong signs of improvement. Speakers in particular drew attention to the successful elections in Burundi and the Democratic Republic of the Congo, and the ceasefire agreement between the Government of Uganda and the Lord's Resistance Army. Many speakers underlined the value and necessity of the regional dimension of approaches to conflict prevention and development in the Great Lakes region, as well as the cooperation between regional organizations, the United Nations and other international actors. Several members highlighted the need to fight illegal exploitation of natural resources, which was the main channel for funding of conflicts.²⁴

The representative of the United Republic of Tanzania, noting that the Council had been seized with issues of the Great Lakes region for more than 10 years, acknowledged the Council's role in shepherding the peace processes in Burundi, the Central African Republic, the Democratic Republic of the Congo, Rwanda, the Sudan and Uganda. He stated that Rwanda was no longer on the agenda; Burundi and the Democratic Republic of the Congo had held democratic elections; and a Comprehensive Peace Agreement was being implemented in southern Sudan. He further opined that once implemented, the Nairobi Pact would be an indispensable partner of the Security Council in maintaining peace and security in East and Central Africa. It bore all the hallmarks of what the United Nations stood for in pursuit of peace, security,

¹⁹ S/2006/812, in which the President reported that members of the Council had taken note of the Secretary-General's intention to extend the mandate of the Special Representative.

²⁰ On behalf of Canada and the Netherlands, co-Chairs of the Group of Friends of the Great Lakes Region.

²¹ On behalf of the European Union; Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Moldova, Montenegro, Norway, Romania, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

²² S/PV.5603, pp. 2-6.

²³ *Ibid.*, pp. 7-9.

²⁴ *Ibid.*, pp. 13-14 (Ghana); pp. 17-18 (Russian Federation); p. 20 (Peru); pp. 20-21 (Greece); and pp. 22-25 (Finland, on behalf of the European Union).

development and respect for human rights to attain larger freedom in a comprehensive manner.²⁵

The representative of the Democratic Republic of the Congo described the second summit on the Great Lakes region as an historic event for the region as well as for the international community. She welcomed the new momentum based on a new regional security order, the expansion and integration of economic and commercial space, democracy and good governance, the stabilization and improvement of the collective handling of social and humanitarian problems resulting from the internal readjustments going on in each of the Great Lakes countries, and the adaptation to the rules of this new peaceful coexistence among States. She further noted that this new agreement had been crowned with success in the signing of the regional Pact for Stability, Security and Development. She stressed that the Council had identified three principal and closely linked aspects of the regional conflict that should be addressed in parallel: the outcome of the inter-Congolese dialogue, the withdrawal of foreign forces from Congolese territory, and the disarmament, demobilization and repatriation of armed groups.²⁶

After the debate, the President made a statement²⁷ on behalf of the Council, by which the Council, *inter alia*:

Welcomed the decision to establish a Regional Follow-up Mechanism, to include a Conference Secretariat, as well as the decision to establish the offices of the Conference Secretariat in Bujumbura;

Supported the request of the Regional Inter-Ministerial Committee to extend the mandate of the Office of the Special Representative of the Secretary-General for a final period of three months, until 31 March 2007, with a view to ensuring regional ownership of the Follow-up Mechanism and completing successfully the transition to the Conference Secretariat;

Appealed to the countries of the region, the Group of Friends, the United Nations agencies, funds and programmes and the international community to consider providing assistance to the Conference Secretariat and the Special Fund for Reconstruction and Development in the Great Lakes Region, and to support implementation by the parties of the Pact on Security, Stability and Development.

²⁵ *Ibid.*, pp. 8-9.

²⁶ *Ibid.*, pp. 24-26.

²⁷ S/PRST/2006/57.

Deliberations of 9 March 2007 (5637th meeting)

At its 5637th meeting, on 9 March 2007, the Council heard a briefing by the Special Representative of the Secretary-General for the Great Lakes region. The representatives of Belgium, China, the Congo, France, Ghana, Indonesia, Italy, Qatar, the Russian Federation, Slovakia, South Africa, the United Kingdom and the United States also took the floor.²⁸

The Special Representative focused on the transition of his office's responsibility to the secretariat of the International Conference on the Great Lakes Region, as well as on the lessons learned during his four-year tenure.

The Special Representative stated that, while his office had received diplomatic and political support from the Council in New York and in the field, this support could have been more effective if it had been accompanied by support in terms of staff recruitment. The Council preferred to maintain the Office's staffing at the skeletal level, leaving the office dependent on personnel support from other United Nations agencies and offices. He stressed that it was essential that the Council acknowledge the consequences. The Council could not issue a mandate as important as organizing an international conference on the Great Lakes region that included 11 countries without providing the resources necessary to complete the task. The Special Representative also emphasized the importance of the Council in supporting and accompanying the ratification process of the Pact on Security, Stability and Development in the Great Lakes Region. He stated that the Conference process had created an atmosphere of trust, but this atmosphere was tenuous and, without prompt ratification and rapid implementation of the Pact, the situation could deteriorate at any moment.²⁹

All speakers expressed gratitude to the Special Representative for a job well done and concurred with him that the international community, particularly the United Nations and the Group of Friends of the Great Lakes Region, should continue to provide support and cooperation with a view to facilitating the region's peace process as well as its reconstruction and development. The representatives of France and the Congo hoped that the United Nations would remain

²⁸ The representatives of Panama and Peru did not make statements during the meeting.

²⁹ S/PV.5637, pp. 2-4.

committed to the region,³⁰ with the latter also calling on the Council, together with the Secretariat, to define all modalities through which the United Nations could provide assistance.³¹

The representatives of the United States, Italy and the United Kingdom stated that the Pact on Security, Stability and Development would lead to lasting peace in the region.³² The representative of South Africa held that its provisions would provide positive means for sustainable development.³³ These speakers therefore called for the prompt ratification of the Pact by all concerned States and for its full implementation. The representatives of Belgium and Qatar stressed the need for the Follow-up Mechanism, through the Conference Secretariat, to be fully operational as soon as possible.³⁴ Underlining the regional ownership of the process, the representatives of the United States and Slovakia called on the States in the region to carry out their commitments under the Pact by, among other things, fulfilling their budget obligations to ensure the functioning of the secretariat.³⁵ The representatives of the United Kingdom, Italy and Slovakia expressed frustration at the lack of progress in the Juba talks between the Government of Uganda and the Lord's Resistance Army.³⁶ The representative of the United Kingdom also drew attention to the Darfur crisis, deploring the fact that the people in Darfur had been denied "most basic means of survival".³⁷

Responding to questions raised and comments made, the Special Representative underlined that the lack of good governance and widespread corruption had been among the causes of the conflicts in the region over the past decades. With regard to the Pact, he said that it would come into force after the ratification by 8 of the 11 signatories. He cautioned that as long as the treaty had not been duly ratified, there would be no obligation for a Government to implement it. The Special Representative maintained that the United Nations must be equipped with the

mechanisms and strategies to support implementation of the Pact, both at the institutional and operational levels. He noted that the United Nations Development Programme had already finalized its regional strategy and other agencies were doing the same. On the financial front, the Special Representative indicated that implementing the whole range of measures approved within the framework of the Conference would cost about \$2 billion. At this juncture, he opined that the "fire-fighter approach" was insufficient; rather, it was better to prevent conflict than to have to pay for reconstruction and rehabilitation afterwards.³⁸

Decision of 22 March 2007 (5644th meeting): statement by the President

At the 5644th meeting, on 22 March 2007, the President (South Africa) made a statement on behalf of the Council,³⁹ by which the Council, *inter alia*:

Recalled and reaffirmed its presidential statement of 16 November 2006 on talks between the Government of Uganda and the Lord's Resistance Army and stressed its support for a negotiated settlement;

Urged LRA to immediately release all women, children and other non-combatants;

Welcomed the appointment of, and efforts undertaken so far by, the Secretary-General's Special Envoy for the LRA-affected areas, and looked forward to his continued engagement on the issue;

Welcomed the meeting between the Government of Uganda and LRA on 11 March 2007, with community representatives present, and the progress made towards a resumption of talks; and looked forward to further progress in the talks and the renewal of the cessation of hostilities agreement;

Urged the United Nations Secretariat and the countries and regional actors involved to provide further support where possible to the Special Envoy and the mediation team; noted the improved security and humanitarian situation in northern Uganda but looked forward to further progress on improving the living conditions for civilians there;

Urged the international community and the Government of Uganda to sustain and improve humanitarian and development support, including through Uganda's Emergency Action Plan as overseen by the Joint Monitoring Committee.

Decision of 21 November 2007 (5783rd meeting): statement by the President

³⁸ Ibid., pp. 14-15.

³⁹ S/PRST/2007/6.

³⁰ Ibid., p. 7 (France) and p. 8 (Congo).

³¹ Ibid., p. 8.

³² Ibid., p. 9 (United States); pp. 10-11 (Italy); and p. 11 (United Kingdom).

³³ Ibid., pp. 13-14.

³⁴ Ibid., p. 6 (Belgium); and pp. 12-13 (Qatar).

³⁵ Ibid., p. 9 (United States); pp. 11-12 (Slovakia).

³⁶ Ibid., p. 11 (United Kingdom); pp. 10-11 (Italy); pp. 11-12 (Slovakia).

³⁷ Ibid., p. 11.

At the 5783rd meeting, on 21 November 2007, the President (Indonesia) made a statement on behalf of the Council,⁴⁰ by which the Council, *inter alia*:

Commended the Governments of the Democratic Republic of the Congo and the Republic of Rwanda for their joint communiqué on a common approach to end the threat posed to peace and stability in both countries and the Great Lakes region, signed in Nairobi on 9 November 2007;⁴¹

Expressed its appreciation for the efforts undertaken in this respect by the Secretary-General through the special

⁴⁰ S/PRST/2007/44.

⁴¹ S/2007/679, annex.

mission carried out by the Assistant Secretary-General for Political Affairs;

Recalled that the continued presence of illegal armed groups, in particular the Forces démocratiques de libération du Rwanda, the ex-Rwandan Armed Forces/Interahamwe and the dissident militia of Laurent Nkunda, was one of the root causes of conflict in the eastern Democratic Republic of the Congo and constituted a threat to regional stability;

Reiterated its demand that these groups lay down their arms and engage voluntarily and without preconditions in their demobilization, repatriation, resettlement and reintegration, as appropriate;

Encouraged the authorities of the Democratic Republic of the Congo and the Republic of Rwanda to implement fully their commitments in the Nairobi communiqué;

Stressed its readiness to facilitate and support the implementation of these commitments;

Reiterated its full support to the United Nations Organization Mission in the Democratic Republic of the Congo for its action on the ground.

8. The situation concerning the Democratic Republic of the Congo

Decision of 15 January 2004 (4894th meeting): resolution 1522 (2004)

At the 4894th meeting,¹ on 15 January 2004, in which the representatives of Belgium and the Democratic Republic of the Congo were invited to participate, the President (Chile) drew attention to a draft resolution;² it was adopted unanimously and without debate as resolution 1522 (2004), by which the Council, *inter alia*:

Decided that its demand for the demilitarization of Kisangani and its surroundings laid down in paragraph 3 of resolution 1304 (2000) should not apply to restructured and integrated forces of the Democratic Republic of the Congo and

to the armed forces included in the comprehensive programme for formation of an integrated and restructured national army;

Urged the Government of National Unity and Transition to take appropriate measures for the restructuring and integration of the armed forces;

Called upon the international community to provide further assistance for the integration and restructuring of the armed forces of the Democratic Republic of the Congo in accordance with resolution 1493 (2003).

Decision of 12 March 2004 (4926th meeting): resolution 1533 (2004)

On 17 November 2003 the Secretary-General submitted the fourteenth report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),³ in which he observed that, while significant progress had been achieved in the Democratic Republic of the Congo over the previous five months, considerable work remained to be done on a number of key issues of the peace process. On the positive side, former belligerents were working

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 23 July 2004 (5009th), 23 August 2004 (5023rd), 22 March 2005 (5146th), 29 September 2005 (5271st), 27 September 2006 (5537th), 4 April 2007 (5656th) and 29 November 2007 (5787th).

² S/2004/25.

³ S/2003/1098, submitted pursuant to resolutions 1417 (2002) and 1493 (2003).

together in the Transitional Government, the process of uniting the territory had begun, and there were encouraging trends in peacemaking at the local level. Moreover, MONUC and the wider international community were prepared to assist in strengthening the peace process through free and fair elections, and the relations between the Democratic Republic of the Congo and Rwanda had been improving. Nonetheless, significant challenges remained, which included the continuing presence of foreign armed combatants in the eastern Democratic Republic of the Congo and ongoing allegations of the presence of Rwandan military personnel in the Democratic Republic of the Congo. Noting that the disarmament, demobilization and reintegration of Congolese combatants was intricately linked to local-level political and economic dynamics in the eastern part of the country, he underlined the need for the Transitional Government to extend State administration throughout the eastern part. He further expressed gratitude to the Government of France and the European Union for quickly deploying a multinational force, for a limited period of time to Bunia. The presence of a robustly equipped force in Bunia, under Chapter VII of the Charter, had helped to stave off an impending humanitarian crisis. He also reported that, despite significant challenges, the efforts of MONUC and other international partners in stabilizing the situation in Ituri had had positive results. However, the humanitarian situation remained “catastrophic”. He believed that the elections planned for mid-2005 would be vital for establishing the foundation for a new, democratic and peaceful order in that country. Drawing attention to the danger posed by the “incessant” flow of arms into the country, despite the arms embargo imposed by resolution 1493 (2003), and its link to the illegal exploitation of natural resources, the Secretary-General proposed that the Council consider a three-tiered approach to addressing the issue. Under the first tier, MONUC would continue to carry out its monitoring mandate, collecting and categorizing information in accordance with the means made available to it. Under the second tier, a small group of three to four technical experts would be formed to collect and conduct preliminary investigations of information both within the Democratic Republic of the Congo and in other countries, as necessary. That group of experts would report to a third tier, a sanctions committee, which in turn would report and make recommendations to the Security Council and address the issue at the political

level with Member States. As the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo had completed its work, the Secretary-General believed that the Transitional Government should be encouraged to adopt the necessary laws to ensure the fair and equitable management of natural resources.

At its 4926th meeting, on 12 March 2004, the Council included in its agenda the above-mentioned report of the Secretary-General on MONUC.³ The President (France) then drew attention to a letter dated 23 October 2003 from the Secretary-General to the President of the Council, transmitting the final report of the Panel of Experts.⁴ Statements were made by the representatives of Pakistan and the United States.

The President also drew attention to a draft resolution;⁵ it was adopted unanimously as resolution 1533 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Requested MONUC to continue to use all means to carry out the tasks outlined in resolution 1493 (2003);

Authorized MONUC to seize or collect, as appropriate, the arms and any related material whose presence in the territory of the Democratic Republic of the Congo violated its provisions, and to dispose of such arms as appropriate;

Decided to establish a Committee of the Security Council consisting of all members of the Council to undertake the following tasks: (a) to seek from all States information regarding the actions taken by them to implement the measures imposed by resolution 1493 (2003); (b) to examine information concerning alleged violations of the measures; (c) to present regular reports to the Council on its work; (d) to consider the lists referred to in paragraph 10 (g) of the resolution with a view to submitting recommendations to the Council for possible future measures to be taken; (e) to receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) and to decide, if need be, upon any action to be taken;

Requested the Secretary-General to create, within 30 days, and for a period expiring on 28 July 2004, a group of experts to: (a) examine and analyse information gathered by MONUC; (b) to gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and in others, flows of arms and related materiel, as well as networks operating in violation of resolution 1493 (2003); (c) to

⁴ S/2003/1027; the report was submitted pursuant to resolutions 1457 (2003) and 1499 (2003).

⁵ S/2004/192.

consider and recommend ways of improving the capabilities of States interested;

Requested the Special Representative of the Secretary-General to communicate to the Council information gathered by MONUC and reviewed by the Group of Experts, concerning supply in arms and related materiel to armed groups and militias, and any possible presence of foreign military in the Democratic Republic of the Congo.

After the vote, the representative of the United States welcomed the adoption of the resolution as a critical step in the collective effort to reduce the illegal flow of weapons in the Democratic Republic of the Congo. He believed that the newly created sanctions Committee, devoted to overseeing the implementation of the arms embargo imposed by resolution 1493 (2003), would constitute a useful tool that the Council could use to compel adherence by the non-compliant parties. He further stressed that the value of the information and recommendations brought to the attention of the Council by experts was contingent upon whether the Council acted in response to those findings.⁶

The representative of Pakistan drew attention to the importance of tracking financial resources for eliminating the root causes of conflict and indicated that his delegation would have liked to have an appropriate reflection of that included in the resolution. However, in the spirit of flexibility, his delegation had supported the decision.⁷

**Decision of 14 May 2004 (4969th meeting):
statement by the President**

At the 4969th meeting, on 14 May 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Pakistan) drew attention to a letter dated 26 April 2004 from the representative of the Democratic Republic of the Congo to the President of the Council.⁸

⁶ S/PV.4926, p. 2.

⁷ Ibid., pp. 2-3.

⁸ S/2004/327, by which the representative of the Democratic Republic of the Congo drew the attention of the Council to the situation prevailing in North and South Kivu and at the frontier with Rwanda, where MONUC had confirmed that soldiers of the Rwandan Defence Forces were still present in the Democratic Republic of the Congo.

The President made a statement on behalf of the Council,⁹ by which the Council, inter alia:

Condemned any impediments to the freedom of movement of MONUC and reaffirmed its full support for the efforts of MONUC to stabilize the situation in the eastern part of the Democratic Republic of the Congo, and encouraged MONUC to continue to report to it on the military situation in the eastern part of the Democratic Republic of the Congo;

Attached great importance to respect for the national sovereignty and territorial integrity of the Democratic Republic of the Congo;

Demanded that the Government of Rwanda take measures to prevent the presence of any of its troops on the territory of the Democratic Republic of the Congo;

Reaffirmed its support for the commitments made by the Governments of the Democratic Republic of the Congo and Rwanda in Pretoria, on 27 November 2003;

Urged all Governments in the region to encourage the re-establishment of confidence between neighbouring countries.

**Decision of 7 June 2004 (4985th meeting):
statement by the President**

At the 4985th meeting, on 7 June 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Philippines) made a statement on behalf of the Council,¹⁰ by which the Council, inter alia:

Condemned the seizure of the town of Bukavu on 2 June 2004;

Reaffirmed its commitment to and respect for national sovereignty, political independence, territorial integrity and unity of the Democratic Republic of the Congo;

Urged all parties represented in the Government of National Unity and Transition to remain fully committed to the peace process;

Warned the neighbouring States of the consequences of support to the armed rebel groups;

Welcomed the initiative of the Chairperson of the Commission of the African Union aimed at overcoming the current crisis;

Reiterated its full support to MONUC and condemned the recent killing of three of its personnel.

**Decision of 22 June 2004 (4994th meeting):
statement by the President**

⁹ S/PRST/2004/15.

¹⁰ S/PRST/2004/19.

At the 4994th meeting, on 22 June 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Philippines) made a statement on behalf of the Council,¹¹ by which the Council, inter alia:

Reiterated its grave concern at the continued violence and threats to the peace and transition process and condemned any involvement by outside forces in the Democratic Republic of the Congo;

Urged all parties to remain fully committed to the peace process and to respect the Government of National Unity and Transition;

Warned all parties against any attempt at belligerent actions or violations of the embargo imposed by resolution 1493 (2003);

Urged the Governments of the Democratic Republic of the Congo and Rwanda to respond to the request made by MONUC to establish a joint verification mechanism for their common security;

Urged the Governments of Rwanda, Uganda and Burundi not to provide any support to armed groups in the Democratic Republic of the Congo;

Condemned the deaths of innocent civilians and human rights abuses in the east of the Democratic Republic of the Congo and called for such incidents to be fully investigated.

**Decision of 27 July 2004 (5011th meeting):
resolution 1552 (2004)**

At its 5011th meeting, on 27 July 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the Council included in its agenda a letter dated 15 July 2004 addressed to the President of the Council by the Chairman of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, transmitting the report of the Group of Experts.¹² In its report, the Group of Experts recommended, inter alia, border control and Customs measures aimed at preventing all forms of assistance to armed groups; measures designed to ensure effective air-traffic monitoring and control; enhancement of the capability of MONUC; and the renewal of the arms embargo for a period covering the next mandate of MONUC.

The President (Romania) then drew attention to a draft resolution;¹³ it was adopted unanimously and without debate as resolution 1552 (2004), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided, in the light of the failure by the parties to comply with its demands in resolution 1493 (2003), to renew, until 31 July 2005, the provisions of paragraphs 20 to 22 of resolution 1493 (2003) and all the provisions of resolution 1533 (2004);

Decided further that it would review those measures by 1 October 2004, and periodically thereafter;

Requested that the end the Secretary-General, in consultation with the Committee, to re-establish, within 30 days and for a period expiring on 31 January 2005, the Group of Experts referred to in paragraph 10 of resolution 1533 (2004);

Requested the Group of Experts to report to the Council in writing before 15 December 2004, through the Committee, on the implementation of the measures imposed by paragraph 20 of resolution 1493 (2003), with recommendations in that regard, in particular regarding the lists provided for by paragraph 10 (g) of resolution 1533 (2004).

**Decision of 29 July 2004 (5014th meeting):
resolution 1555 (2004)**

At the 5014th meeting, on 29 July 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Romania) drew attention to a draft resolution;¹⁴ it was adopted unanimously and without debate as resolution 1555 (2004), by which the Council, noting that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in the region, inter alia:

Decided to extend the mandate of MONUC, as contained in resolutions 1493 (2003) and 1533 (2004), both adopted under Chapter VII of the Charter of the United Nations, until 1 October 2004;

Requested the Secretary-General to submit a report to the Council, before 16 August 2004, on the execution by MONUC of its mandate;

Decided to remain actively seized of the matter.

**Decision of 1 October 2004 (5048th meeting):
resolution 1565 (2004)**

¹¹ S/PRST/2004/21.

¹² S/2004/551; the report was submitted pursuant to paragraph 10 of resolution 1533 (2004).

¹³ S/2004/594.

¹⁴ S/2004/605.

At its 5048th meeting, on 1 October 2004, the Council included in its agenda the third special report of the Secretary-General on MONUC, dated 16 August 2004¹⁵ and a letter dated 3 September 2004 from the Secretary-General to the President of the Council.¹⁶ Statements were made by the Secretary-General and the representative of the United States.¹⁷

In his special report, the Secretary-General noted that the events of the past few months had demonstrated that if the political process did not move forward, it would run off track and risk collapse. Therefore, he called for a renewed commitment by the Transitional Government, the Security Council and the international community to work in full partnership to see the transitional process through to the elections scheduled for 2005. He further urged the Transitional Government to address the issue of human rights abuses and emphasized that the Governments of the Democratic Republic of the Congo, Rwanda and Uganda had to make concrete progress to ensure that the flow of arms across their borders was brought to an end. Observing that the expectations among the Congolese regarding the role MONUC could play under a Chapter VII mandate far outweighed what any external partner could ever do to assist a peace process as MONUC could not implement the transitional process on behalf of the Transitional Government or create stability, he recommended that the Council consider increasing the military strength of MONUC from 10,800 to 23,900 and expanding the Mission's civilian police component from 140 to 507 personnel.¹⁵

In his letter, the Secretary-General expressed concern about the volatile security environment prevailing in the Democratic Republic of the Congo following the crisis that had erupted in Bukavu in May and June, and the massacre of Congolese Banyamulenge refugees in Gatumba, Burundi, on 13 August 2004. In view of the possibility of a further deterioration of the situation, he proposed that, without prejudice to its consideration of the future expansion of MONUC, the Council consider taking an urgent decision to deploy emergency reinforcements to MONUC, so that the Mission could be provided with

the necessary capability to address any immediate security concerns.¹⁶

The President (United Kingdom) drew attention to a draft resolution;¹⁸ it was adopted unanimously as resolution 1565 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the deployment of MONUC until 31 March 2005;

Authorized the increase in the strength of MONUC by 5,900 personnel, including up to 341 civilian posts;

Decided that MONUC would have a new mandate in support of the Government of National Unity and Transition;

Authorized MONUC to use all necessary means to carry out its tasks; requested the Secretary-General to report to the Council within one month on reforms necessary to improve the structures of MONUC;

Requested the Secretary-General, through his Special Representative, to coordinate all activities of the United Nations system in the country, and to submit a report, before 28 February 2005, on the execution by MONUC of its mandate;

Decided to remain actively seized of the matter.

After the adoption of the draft resolution, the Secretary-General praised the decision of the Council to expand the strength of MONUC, which in his opinion would contribute to improving the Mission's operational capabilities that were severely under-resourced. However, he noted that the newly approved ceiling of 16,700 in total fell well below the figure recommended in his report. Consequently, MONUC would have to review the scope of the support it could provide for the peace process. He reiterated his position that the total military and police strength he had recommended was the minimum required to effectively meet the challenges in the Democratic Republic of the Congo and hoped that the Council would favourably revisit the issue of the Mission's requirements in the future.¹⁹

The representative of the United States explained that his delegation supported the resolution with the understanding that the decision did not direct MONUC to cooperate with the International Criminal Court.²⁰

¹⁵ S/2004/650, submitted pursuant to resolution 1555 (2004).

¹⁶ S/2004/715.

¹⁷ The representative of the Democratic Republic of the Congo was invited to participate in the meeting but did not make a statement.

¹⁸ S/2004/774.

¹⁹ S/PV.5048, pp. 2-3.

²⁰ *Ibid.*, p. 3.

Decision of 7 December 2004 (5095th meeting): statement by the President

At the 5095th meeting, on 7 December 2004, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Algeria) drew attention to a number of communications from the representatives of the Democratic Republic of the Congo and Rwanda.²¹

The President made a statement on behalf of the Council,²² by which the Council, inter alia:

Expressed its very deep concern at multiple reports of military operations by the Rwandan army in the eastern part of the Democratic Republic of the Congo;

Condemned any such military actions that were contrary to its resolutions;

Demanded that Rwanda withdraw any forces in the Democratic Republic of the Congo;

Called on all Governments to commit themselves to the multilateral mechanisms they had agreed to establish;

Urged all Member States to fully comply with their obligations under resolution 1493 (2003);

Welcomed steps taken to establish the plan aimed at accelerating the disarmament of foreign armed groups;

Called upon Rwanda and the Democratic Republic of the Congo to explore ways to facilitate the voluntary repatriation of those combatants based on existing mechanisms;

Called on the Congolese authorities to accelerate the integration of the armed forces of the Democratic Republic of

the Congo and encouraged the donor community to provide coordinated financial and technical assistance to that task;

Condemned any attempt aimed at undermining the unity and territorial integrity of the Democratic Republic of the Congo.

Decision of 2 March 2005 (5133rd meeting): statement by the President

At the 5133rd meeting, on 2 March 2005, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Brazil) made a statement on behalf of the Council,²³ by which the Council, inter alia:

Condemned with the utmost firmness the attack against a patrol of MONUC by the Front des Nationalistes et Intégrationnistes in Ituri on 25 February 2005, resulting in the murder of nine Bangladeshi peacekeepers;

Called upon the Government of National Unity and Transition immediately to take all necessary measures to bring to justice the perpetrators, sponsors and authors of that attack and to strengthen its support for the implementation of the disarmament and community reintegration programme for Ituri militiamen;

Reminded all States in the region of their responsibility to ensure compliance for the arms embargo imposed by resolution 1493 (2003);

Further urged those States to ensure that their territories could not be used by any Congolese armed group, notably the Ituri militia, whose activities perpetuated a climate of insecurity that affected the whole region;

Reaffirmed its full support for MONUC, and urged MONUC to continue to fulfil its mandate with determination.

Decision of 30 March 2005 (5155th meeting): resolution 1592 (2005)

At its 5155th meeting, on 30 March 2005, the Council included in its agenda the seventeenth report of the Secretary-General on MONUC.²⁴ In that report, the Secretary-General called on the Transitional Government to take resolute action on several fronts, particularly in regard to elections, security sector reform and the establishment of rule of law. With respect to the situation in Ituri, he emphasized the need for the Governments of the Democratic Republic of the Congo, Rwanda and Uganda to ensure that their territories were not used to support the flow of arms

²¹ By a letter dated 30 November 2004 to the President of the Council, the representative of the Democratic Republic of the Congo informed the Council that Rwandan regular troops had crossed the Congolese border in order to attack the town of Mutongo in North Kivu province and requested that the Council meet urgently in order to firmly condemn that attack (S/2004/935). By a letter dated 30 November 2004 to the President of the Council, the representative of Rwanda presented his Government's account of the situation in the Democratic Republic of the Congo (S/2004/933). By a letter dated 6 December 2004 to the President of the Council, the representative of Rwanda transmitted a communiqué issued by his Government in response to the declaration by the President of the Democratic Republic of the Congo calling on all Congolese to mobilize, inter alia, to fight a Rwandan invasion on the territory of the Democratic Republic of the Congo (S/2004/951).

²² S/PRST/2004/45.

²³ S/PRST/2005/10.

²⁴ S/2005/167, submitted pursuant to resolution 1565 (2004).

into the region. He called on the international community to step up its efforts for security sector reform, particularly to assist in the training and equipping of the armed forces of the Democratic Republic of the Congo, and emphasized that the establishment of an integrated and professional army and police force was a key element of the exit strategy for MONUC. With the full deployment of the MONUC brigades in the Kivus, the Mission's capacity to support the maintenance of security and the protection of civilians in the Kivus had been significantly enhanced. He further announced that the African Union and some Member States were examining, in consultation with the United Nations, the possibility of deploying troops into the Democratic Republic of the Congo to forcibly disarm the ex-Rwandan Armed Forces/Interahamwe. Stressing the central role played by MONUC in supporting the Transitional Government in its efforts to prepare the new elections and ensure stable governance, the Secretary-General recommended that the Council extend the Mission's mandate for one year.

The Council extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion. The President (Brazil) then drew attention to a draft resolution;²⁵ it was adopted unanimously and without debate as resolution 1592 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to extend the mandate of MONUC until 1 October 2005;

Reaffirmed its demand that all parties cooperate fully with the operations of MONUC and that they ensure the safety of all United Nations personnel;

Emphasizing that MONUC was authorized to use all necessary means to carry out its tasks and deter any attempt at the use of force, stressed that MONUC might use cordon and search tactics to prevent attacks;

Demanded that the Governments of Uganda and Rwanda, as well as the Democratic Republic of the Congo put a stop to the use of their territories in support of violations of the arms embargo or activities of armed groups in the region;

Decided to remain actively seized of the matter.

**Decision of 12 April 2005 (5162nd meeting):
statement by the President**

At the 5162nd meeting, on 12 April 2005, in which the representative of the Democratic Republic of

²⁵ S/2005/207.

the Congo was invited to participate, the President (China) drew attention to a letter dated 4 April 2005 from the representative of Rwanda to the President of the Council, transmitting a communiqué issued by his Government concerning the decision of the ex-Rwandan Armed Forces/Interahamwe to disarm unconditionally and return to Rwanda.²⁶

The President then made a statement on behalf of the Council,²⁷ by which the Council, inter alia:

Welcomed the statement issued by the Forces démocratiques de libération du Rwanda (FDLR) in Rome, on 31 March 2005, in which they condemned the 1994 genocide and committed themselves to renounce the use of force and cease all offensive operations against Rwanda;

Called on FDLR to turn their positive words into action and to demonstrate their commitment to peace by immediately handing all their arms to MONUC and by taking part in the programme put in place for their earliest voluntary and peaceful return to Rwanda;

Encouraged all other armed groups in the Democratic Republic of the Congo that had not yet done so to renounce likewise the use of force and to take part without delay in the programmes of disarmament, demobilization and reintegration;

Urged the Governments of the Democratic Republic of the Congo and Rwanda to work together, in close cooperation with MONUC, to make use of the chance given to them to contribute to peace and stability in the whole Great Lakes region of Africa;

Urged the Government of Rwanda to guarantee the return and reintegration of FDLR.

**Decision of 18 April 2005 (5163rd meeting):
resolution 1596 (2005)**

At its 5163rd meeting, on 18 April 2005, the Council included in its agenda a letter dated 25 January 2005 from the Chairman of the Committee established pursuant to resolution 1533 (2004) to the President of the Council, transmitting the report of the Group of Experts.²⁸ In that report, given the complexity of the Congolese political landscape and the varying allegiances of the members of the Transitional Government, the Group of Experts recommended that the target of the embargo as defined in resolution 1493 (2003) be revisited with a view to clarifying the terms and exemptions of the embargo. The Group also

²⁶ S/2005/223.

²⁷ S/PRST/2005/15.

²⁸ S/2005/30; the report was submitted pursuant to paragraph 6 of resolution 1552 (2004).

recommended that the *État-major du renseignement militaire* in Kinshasa be instituted as the sole procuring and authorizing agent on behalf of the Transitional Government and integrated army for military hardware and other forms of military equipment. Furthermore, to enhance the effectiveness of the monitoring mechanism and embargo enforcement, the Security Council should extend the arms embargo to the entire territory of the Democratic Republic of the Congo, with the exception of the *État-major* and MONUC and for supplies of non-lethal material and training for humanitarian or protective use. The report also contained a number of recommendations related to monitoring mechanisms, civil aviation, border control and financial aspects, arms flows and violations, and bilateral, regional and international efforts.

The representative of the Democratic Republic of the Congo was invited to participate in the discussion. The President (China) then drew attention to a draft resolution;²⁹ it was adopted unanimously and without debate as resolution 1596 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Reaffirmed the measures established by paragraph 20 of resolution 1493 (2003) and extended until 31 July 2005 by resolution 1552 (2004);

Decided that those measures from then on would apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterated that assistance included financing and financial assistance related to military activities;

Decided that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) of the resolution should only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Committee;

Decided that each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, should maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;

Decided that, during the period of enforcement of the measures referred to above, all States should take the necessary measures to prevent the entry into or transit through their

territories of all persons designated by the Committee as acting in violation of the measures taken by Member States;

Decided that all States should, during the period of enforcement of the measures, immediately freeze the funds, other financial assets and economic resources which were on their territories from the date of adoption of the resolution, which were owned or controlled, directly or indirectly, by persons designated by the Committee.

**Decision of 29 June 2005 (5218th meeting):
statement by the President**

At its 5218th meeting, on 29 June 2005, the Council included in its agenda the special report of the Secretary-General, dated 26 May 2005, on elections in the Democratic Republic of the Congo.³⁰ In the special report, the Secretary-General noted that despite security, operational and political challenges, with sufficient focus and support by the Transitional Government and assistance from international partners, elections in the Democratic Republic of the Congo could be held within a reasonable period of time. He stressed the primary responsibility of the Transitional Government for creating the conditions necessary for stability in the post-transition period and for the success of the electoral process. He welcomed the adoption of a Constitution that put in place a structure ensuring checks and balances among the executive, legislative and judicial branches, and provided for balance of power within the executive branch of government. He also expressed concern at the state of security sector reform. Underlining the role played by MONUC in disarming more than 12,000 combatants in Ituri and in improving the security environment in North and South Kivu, he recommended that the Council increase the Mission's military strength to a total of 19,290. In his view, the additional military personnel, who would be deployed only temporarily for the period of the elections and their immediate aftermath, could play a significant role in ensuring stability in highly volatile areas and in allowing the electorate the right to participate in the process, as well as ensuring the security of MONUC and other international personnel in high-risk areas. Furthermore, he recommended the strengthening of the Mission's civilian police component by an additional 261 civilian police and five formed police units, in order to

²⁹ S/2005/245.

³⁰ S/2005/320, submitted pursuant to paragraph 6 of resolution 1552 (2004).

undertake training and institution-building activities at the central and ground levels.

The representative of the Democratic Republic of the Congo was invited to participate in the discussion. The President (France) made a statement on behalf of the Council,³¹ by which the Council, *inter alia*:

Took note of the joint decision reached by the two Houses of Parliament of the Democratic Republic of the Congo on 17 June 2005 to extend for six months, renewable once, the transitional period that was to expire on 30 June 2005;

Called on all Congolese parties to respect that decision and urged in particular the candidates and political parties to refrain from any action that might disrupt that process;

Urged all parties and transitional institutions to make every effort to respect scrupulously the timetable for polls developed by the Independent Electoral Commission, and in particular to begin preparations for the referendum on the draft Constitution as soon as possible;

Called on the transitional authorities to accelerate those reforms remaining to be carried out, in particular drafting of the electoral law and integration of the security forces;

Called upon the Congolese authorities to exercise efficient, transparent and comprehensive control over State finances and encouraged them to continue consultations with their international partners, in full respect for the sovereignty of the Democratic Republic of the Congo, and to put in place credible arrangements to strengthen support for good governance and transparent economic management.

**Decision of 13 July 2005 (5226th meeting):
statement by the President**

At the 5226th meeting, on 13 July 2005, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Greece) made a statement on behalf of the Council,³² by which the Council, *inter alia*:

Condemned with the utmost firmness the massacre of some 50 people, most of them women and children, which had occurred on 9 July 2005 in Ntulu-Mamba, in the Democratic Republic of the Congo;

Requested the Special Representative of the Secretary-General for the Democratic Republic of the Congo to establish the facts and report to the Council as quickly as possible;

Called upon the Congolese authorities to prosecute and bring to justice expeditiously the perpetrators and those responsible for those crimes;

Stressed the need to bring to an end attacks by armed groups on local populations;

Demanded that FDLR abide by the commitment given in Rome put an end to the armed conflict and settle without further delay the issue of the repatriation of their combatants.

**Decision of 29 July 2005 (5243rd meeting):
resolution 1616 (2005)**

By a letter dated 26 July 2005 to the President of the Council, the Chairman of the Committee established pursuant to resolution 1533 (2004) transmitted the report of the Group of Experts.³³ In its report, the Group of Experts stressed the importance of inter-State cooperation in the Great Lakes region for countering violations of the arms embargo. While commending the Tripartite Commission and the bilateral Joint Verification Mechanism for their work towards improving intergovernmental communication, the Group believed that the arms embargo demanded a flexible and permanent mechanism for unambiguous information-sharing and cooperative action between States at the tactical and political levels. The Group of Experts recommended that: the existing sanctions regime should be maintained well into the post-electoral period; sufficient means should be allocated to MONUC for deployment on the borders and in the airports of the Democratic Republic of the Congo to support existing national customs structures and for monitoring of airspace and airport activities; enhanced traceability systems for all important natural resources of the Democratic Republic of the Congo should be developed under the direction of the Government which should be required to report on the development and implementation of those systems to the Committee; the Government of the Democratic Republic of the Congo should request the International Civil Aviation Organization (ICAO) to assist in providing the technical expertise necessary to improve national aviation security standards; and the World Bank, ICAO and other multilateral organizations should assist the Transitional Government in developing the capacity of its Civil Aviation Authority.

At its 5243rd meeting, on 29 July 2005, the Council included in its agenda the above-mentioned letter and extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

³¹ S/PRST/2005/27.

³² S/PRST/2005/31.

³³ S/2005/436; the report was submitted pursuant to paragraph 22 of resolution 1596 (2005).

The President (Greece) drew attention to a draft resolution;³⁴ it was adopted unanimously and without debate as resolution 1616 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 31 July 2006 the provisions of paragraphs 20 to 22 of resolution 1493 (2003), and reaffirmed paragraphs 2, 6, 10 and 13 to 16 of resolution 1596 (2005);

Requested the Secretary-General to re-establish the Group of Experts within 30 days and for a period expiring on 31 January 2006, drawing on the expertise of the members of the Group of Experts established pursuant to resolution 1596 (2005);

Requested the Group of Experts to continue fulfilling its mandate to update the Committee on its work by 10 November 2005, and to report to the Council in writing, through the Committee, before 10 January 2006, including information on the sources of financing which were funding the illicit trade in arms.

Decision of 6 September 2005 (5255th meeting): resolution 1621 (2005)

At its 5255th meeting, on 6 September 2005, the Council again included in its agenda the special report of the Secretary-General on elections in the Democratic Republic of the Congo.³⁵ The Council extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (Philippines) then drew attention to a draft resolution;³⁶ it was adopted unanimously and without debate as resolution 1621 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized an increase in the strength of MONUC of 841 personnel, including up to five formed police units of 125 officers each and the additional police personnel;

Requested the Secretary-General to take the necessary steps with a view to downsizing or repatriating those additional personnel from 1 July 2006 at the latest;

Authorized MONUC, in accordance with the recommendation and with its mandate as defined in paragraphs 5 (f) and 7 (c) of resolution 1565 (2004), and acting in close coordination with the United Nations Development Programme, to provide additional support to the Independent Electoral Commission for the transport of electoral materials.

Decision of 30 September 2005 (5272nd meeting): resolution 1628 (2005)

On 26 September 2005, the Secretary-General submitted the nineteenth report on MONUC,³⁷ in which he stated that, in spite of delays, largely caused by logistical problems, encouraging progress had been made in the voter registration process, an important step towards the holding of democratic elections in the Democratic Republic of the Congo. He considered it vital that the necessary legislation, including the electoral law, be adopted by the Transitional Government and Parliament with a minimum of delay so that the elections could be organized no later than June 2006. In that context, MONUC was expanding its extensive role nationwide in providing logistical and other support to the Independent Electoral Commission. The Secretary-General also remarked that considerable progress had been made in training the Congolese National Police, who would provide security for the elections. Noting that an enhancement of the military capacity of MONUC would be required to address the threats posed by armed groups in Katanga and contribute to establishing the necessary security conditions for elections in that province, the Secretary-General hoped that the Council would give due consideration to his recommendation for an increase of 2,580 in the Mission's force strength. He further stressed the importance of good governance and was of the opinion that, in the remaining months of the transition, the Transitional Government should focus on extending State administration throughout the country and improving delivery of basic services to the population. The Secretary-General further noted the "continuing humanitarian catastrophe" in the country and reaffirmed the importance of disarming and demobilizing foreign armed groups on the territory of the Democratic Republic of the Congo. He reported that some progress had been achieved in the reform of the armed forces and called for increased support by international partners for security sector reform. He informed the Council that the constitutional referendum was scheduled to be held before the expiration of the first extension of the transition on 31 December and that the Parliament was likely to have voted, by that time, for the second and final six-month extension of the transition, in order to allow the Independent Electoral Commission to organize the elections. In that context, he recommended that the

³⁴ S/2005/493.

³⁵ S/2005/320 and Add.1.

³⁶ S/2005/555.

³⁷ S/2005/603, submitted pursuant to resolutions 1565 (2004) and 1592 (2005).

mandate of MONUC be extended for one year, until 1 October 2006, which would include the period until the elections and the immediate post-transitional period following the installation of the new Government.

At its 5272nd meeting, on 30 September 2005, the Council included in its agenda the above-mentioned report of the Secretary-General and extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (Philippines) drew attention to a draft resolution;³⁸ it was adopted unanimously and without debate as resolution 1628 (2005), by which the Council, noting that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in the region, inter alia, decided to extend the mandate of MONUC, as contained in resolutions 1565 (2004), 1592 (2005), 1596 (2005) and 1621 (2005), adopted under Chapter VII of the Charter, until 31 October 2005; and to remain seized of the matter.

**Decision of 4 October 2005 (5275th meeting):
statement by the President**

At the 5275th meeting, on 4 October 2005, in which the representatives of the Democratic Republic of the Congo, Rwanda and Uganda were invited to participate, the President (Romania) drew attention to the nineteenth report of the Secretary-General on MONUC³⁹ and to a letter dated 3 October 2005 from the representative of the Democratic Republic of the Congo to the President of the Council.⁴⁰

The President made a statement on behalf of the Council,⁴¹ by which the Council, inter alia:

Expressed concern over the presence of foreign armed groups in the Democratic Republic of the Congo;

Recognized the decision taken on 16 September 2005 by the Democratic Republic of the Congo, Uganda, Rwanda and

Burundi, acting within the framework of the Tripartite Plus Joint Commission, to set the deadline of 30 September 2005 for FDLR to disarm or otherwise to face measures intended to compel them to do so;

Demanded that FDLR proceed voluntarily with their disarmament and return to Rwanda without any delay or preconditions;

Demanded the full cooperation of FDLR with the International Criminal Tribunal for Rwanda in Arusha, particularly with regard to the arrest and transfer of indictees who remained at large;

Noted with concern the incursion of members of the Lord's Resistance Army into the Democratic Republic of the Congo and welcomed the intention of the Congolese Armed Forces to disarm that group in cooperation with MONUC and in accordance with its mandate;

Called upon all armed groups in the Great Lakes region of Africa to act without delay to lay down their arms and join the processes of political transition under way in the region.

**Decision of 28 October 2005 (5296th meeting):
resolution 1635 (2005)**

At its 5296th meeting, on 28 October 2005, the Council included again in its agenda the nineteenth report of the Secretary-General on MONUC.⁴²

The President (Romania) drew attention to a draft resolution;⁴³ it was adopted unanimously and without debate as resolution 1635 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to extend the mandate of MONUC until 30 September 2006;

Authorized an increase of 300 personnel in the military strength of MONUC;

Requested the Secretary-General to take the necessary steps with a view to downsizing or repatriating that additional strength from 1 July 2006 at the latest, and to report to the Council before 1 June 2006 on the assessment to be made for that purpose;

Called upon the transitional institutions and on all Congolese parties to ensure that free, fair and peaceful elections took place, and that the timetable for polls developed by the Independent Electoral Commission was scrupulously respected;

Called on the Government of National Unity and Transition to carry out reform of the security sector;

³⁸ S/2005/614.

³⁹ S/2005/603.

⁴⁰ S/2005/620; the letter was sent in protest at the remarks made by the President of Uganda to the effect that the Ugandan army would cross the border with the Democratic Republic of the Congo if the Government of the Democratic Republic of the Congo and MONUC failed to disarm within two months the rebels of the Lord's Resistance Army.

⁴¹ S/PRST/2005/46.

⁴² S/2005/603.

⁴³ S/2005/665.

Called on the donor community to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo;

Requested MONUC to continue to provide advice and assistance as well as the necessary support, to the effective follow-up to the meeting on 21 September 2005 between the Espace présidentiel and the International Committee in Support of the Transition, to strengthen support for good governance and transparent economic management;

Decided to remain actively seized of the matter.

Decisions of 21 December 2005 (5340th meeting): resolution 1649 (2005) and statement by the President

At the 5340th meeting, on 21 December 2005, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (United Kingdom) drew attention to a draft resolution;⁴⁴ it was adopted unanimously and without debate as resolution 1649 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that, for a period expiring on 31 July 2006, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) should extend to the following individuals, as designated by the Committee established pursuant to resolution 1533 (2004): (a) political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo; (b) political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo;

Decided that the measures imposed above as well as those under paragraph 13 of resolution 1596 (2005) should not apply where the Committee authorized in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law;

Decided that the tasks of the Committee set out in paragraph 18 of resolution 1596 (2005) should extend to the provisions set out above;

Requested the Secretary-General and the Group of Experts established under resolution 1533 (2004) to assist the Committee in the designation of the leaders referred to above;

Decided that the provisions of paragraphs 2 to 5 of the resolution should enter into force on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese

militias operating in the Democratic Republic of the Congo was being completed;

Decided that, no later than 31 July 2006, it should review the measures set forth above, in the light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the disarmament of foreign armed groups.

The President also made a statement on behalf of the Council,⁴⁵ by which the Council, *inter alia*:

Commended the people of the Democratic Republic of the Congo for the successful holding of the referendum on the draft Constitution;

Paid tribute to the work of the Independent Electoral Commission, which had been able, with unprecedented and outstanding logistical support from MONUC and with the assistance of the international community, to take up that challenge;

Recalled its support for the holding of elections in the coming months, which had to take place before the end of the transitional period on 30 June 2006;

Urged the Government of National Unity and Transition to live up to the expectations of the Congolese people and to do its utmost to ensure that the next polls were held in accordance with the timetable of the Independent Electoral Commission.

Decision of 25 January 2006 (5356th meeting): statement by the President

At the 5356th meeting, on 25 January 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (United Republic of Tanzania) made a statement on behalf of the Council,⁴⁶ by which the Council, *inter alia*:

Condemned with the utmost firmness the attack against a detachment of MONUC, which had occurred on 23 January 2006 in the national park of Garamba, resulting in the death of eight Guatemalan peacekeepers and the severe wounding of five others;

Considered that aggression to be an unacceptable outrage;

Called upon the Government of National Unity and Transition immediately to take all necessary measures to bring to justice those responsible for the attack;

Also condemned with the utmost firmness the recent seizure of villages in the area of Rutshuru, North Kivu province, by insurgent elements;

⁴⁴ S/2005/810.

⁴⁵ S/PRST/2005/66.

⁴⁶ S/PRST/2006/4.

Underlined the importance of the electoral process not being disturbed.

**Decision of 31 January 2006 (5360th meeting):
resolution 1654 (2006)**

At the 5360th meeting, on 31 January 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (United Republic of Tanzania) drew attention to a draft resolution;⁴⁷ it was adopted unanimously and without debate as resolution 1654 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to re-establish the Group of Experts referred to in paragraph 10 of resolution 1533 (2004) and paragraph 21 of resolution 1596 (2005), within 30 days and for a period expiring on 31 July 2006;

Requested the Group of Experts to update the Committee on its work by 10 April 2006, and to report to the Council in writing, through the Committee, before 10 July 2006;

Decided to remain seized of the matter.

**Decision of 10 April 2006 (5408th meeting):
resolution 1669 (2006)**

At its 5408th meeting, on 10 April 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the Council included in its agenda a letter dated 30 March 2006 from the Secretary-General to the President of the Council.⁴⁸ In that letter, the Secretary-General indicated the intention to temporarily redeploy military personnel and resources from the United Nations Operation in Burundi (ONUB) to MONUC, as previously authorized by the Council by resolution 1650 (2005), for an initial period ending on 31 December 2006. The battalion would operate in the central area of Katanga Province and carry out the mandate entrusted to MONUC by the Council in resolution 1291 (2000) and all subsequent relevant resolutions. The military observers would be deployed in teams to various areas of the Democratic Republic of the Congo in the context of the increased military observer capacity required during the electoral process.

The President (China) drew attention to a draft resolution;⁴⁹ it was adopted unanimously and without

debate as resolution 1669 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to authorize the Secretary-General to redeploy temporarily a maximum of one infantry battalion, a military hospital and up to 50 military observers from ONUB to MONUC, until 1 July 2006, according to resolution 1650 (2005), and with the intention to renew such authorization according to future decisions by the Security Council concerning the renewal of the mandates of ONUB and MONUC;

Decided to remain actively seized of the matter.

**Decision of 25 April 2006 (5421st meeting):
resolution 1671 (2006)**

At its 5421st meeting, on 25 April 2006, a Council included in its agenda a letter dated 12 April 2006 from the Secretary-General to the President of the Council.⁵⁰ By that letter, the Secretary-General informed the Council that, while the referendum on the draft constitution of the Democratic Republic of the Congo had been held on 18 and 19 December 2005 with minimal security problems, the United Nations remained concerned about the possibility of violence occurring before, during or after the upcoming elections, which neither the forces of MONUC nor the armed forces of the Democratic Republic of the Congo would have the capacity to contain. In response to the request of the Under-Secretary-General for Peacekeeping Operations, the European Union had agreed to provide support to MONUC during the electoral period, subject to the authorization of the Council under Chapter VII of the Charter.⁵¹ He held that the deployment of such a force would be an important contribution to the international community's efforts to support the Government of the Democratic Republic of the Congo in ensuring the successful holding of elections under secure conditions in the country.

The President (China) drew attention to a letter dated 30 March 2006 from the representative of the Democratic Republic of the Congo to the President of the Council, transmitting a communiqué reporting that the Supreme Defence Council of his country had recommended endorsing the initiative for the

⁴⁷ S/2006/56.

⁴⁸ S/2006/206.

⁴⁹ S/2006/224.

⁵⁰ S/2006/219.

⁵¹ *Ibid.*, annex II.

establishment of a European Union force to reinforce the security arrangements for the electoral process.⁵²

The representative of France made a statement. The President drew attention to a draft resolution;⁵³ it was adopted unanimously as resolution 1671 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized for a period ending four months after the date of the first round of the presidential and parliamentary elections, the deployment of the European Union force in the Democratic Republic of the Congo;

Decided that the authorization for the deployment should not exceed the term of the mandate of MONUC and would be subject, beyond 30 September 2006, to the extension of the mandate of MONUC;

Stressed that the European Union force was authorized immediately to take all appropriate steps, including the deployment of advance elements in the Democratic Republic of the Congo, in order to prepare its full operational capability.

The representative of France welcomed the adoption of the resolution as a proof of the commitment of the international community, particularly the United Nations and the European Union, to the peace process in the Democratic Republic of the Congo. The European Union force would be an important element in ensuring that the elections scheduled for June went smoothly. He further pointed out that it would not be necessary to adopt another resolution to renew the mandate of force when the Council decided, by 30 September, to extend the mandate of MONUC, which was his delegation's interpretation of the provision contained in the resolution, shared by other Council members.⁵⁴

**Decision of 30 June 2006 (5480th meeting):
resolution 1693 (2006)**

On 13 June 2006, the Secretary-General submitted the twenty-first report on MONUC,⁵⁵ in which he expressed his gratitude to the international community for its considerable political, financial, technical and logistical support of the electoral process in the Democratic Republic of the Congo in preparation for the historic elections to be held in the coming months. He stressed that the elections and their

outcome should provide an opportunity to continue the process of national dialogue, consolidation of peace and progress towards the long-term unity and stability of the country. He announced that MONUC and its partners would continue to support the Government's efforts towards securing the elections and strongly welcomed the decision of the European Union to assist the United Nations in that endeavour. He reported that, despite some progress, the political and security situation in Ituri, the Kivus and Katanga remained tenuous. Drawing attention to the human rights violations, he urged the Congolese authorities to accelerate the establishment of a reformed army and police force and to ensure that those responsible were swiftly brought to trial by an independent and credible justice system. He further deplored the humanitarian situation. He observed that in the post-electoral period, the sustained engagement of the international community and the establishment of follow-up consolidation mechanisms would be critical. In his view, the new Government would have to establish a national action plan, including benchmarks and coordinated programmes of donor support targeted at key objectives, such as the poverty reduction strategy, the United Nations action plan and security sector reform. Lastly, he announced his intention to provide the Council proposals for the post-electoral role of MONUC after the possible second round of the presidential elections.

At its 5480th meeting, on 30 June 2006, the Council included in its agenda the above-mentioned report of the Secretary-General and extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (Denmark) drew attention to a draft resolution;⁵⁶ it was adopted unanimously and without debate as resolution 1693 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 30 September 2006 the increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2005) and 1635 (2005);

Requested the Secretary-General to take the necessary steps with a view to downsizing or repatriating that additional strength by 30 September 2006;

Called on all Congolese parties to refrain from incitement to hatred and violence.

⁵² S/2006/203.

⁵³ S/2006/253.

⁵⁴ S/PV.5421, p. 2.

⁵⁵ S/2006/390, submitted pursuant to resolutions 1565 (2004) and 1635 (2005).

⁵⁶ S/2006/457.

**Decision of 31 July 2006 (5502nd meeting):
resolution 1698 (2006)**

By a letter dated 18 July 2006 to the President of the Council, the Chairman of the Committee established pursuant to resolution 1533 (2004) transmitted the report of the Group of Experts.⁵⁷ In the report, observing that the internal trafficking in arms and ammunition constituted a genuine threat to the peace process, the Group continued to recommend that all arms held and imported by the Democratic Republic of the Congo be separately registered and marked. The Group further noted that, although some FDLR members had been listed by the Council as subject to financial and travel sanctions, it would be advantageous if FDLR organizations were listed as sanctionable entities and if membership in those organizations were to lead to automatic financial sanctions and travel bans. The Group also made a number of recommendations aimed at preventing the use of civil aviation in the illicit transport of arms and ammunition. Taking into account the link between the illegal exploitation of natural resources and the funding of arms embargo violations, the Group recommended that the Council declare for one year all illegal exploration, exploitation and commerce of natural resources from the Democratic Republic of the Congo to be a sanctionable act in order to assist the new Government in its efforts to stabilize and promote the legal exploitation and commerce of natural resources. With regard to customs and migratory flows, the Group reiterated its earlier recommendations on the reinforcement of border controls and encouraged donors to strengthen the capacities of customs and immigration services.

At its 5502nd meeting, on 31 July 2006, the Council included in its agenda the above-mentioned report of the Group of Experts.

The President (France) drew attention to the report of the Group of Experts transmitted through a letter dated 26 January 2006 from the Chairman of the Committee established pursuant to resolution 1533 (2004) to the President of the Council;⁵⁸ the report of

the Secretary-General on children and armed conflict in the Democratic Republic of the Congo;⁵⁹ and the report of the Council mission on the electoral process in the Democratic Republic of the Congo.⁶⁰

The President also drew attention to a draft resolution;⁶¹ it was adopted unanimously and without debate as resolution 1698 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 31 July 2007 the provisions of paragraphs 20 to 22 of resolution 1493 (2003), as amended and expanded by paragraph 1 of resolution 1596 (2005) and by paragraph 2 of resolution 1649 (2005);

Requested the Secretary-General to take the necessary administrative measures as expeditiously as possible with a view to extending the mandate of the Group of Experts for a period expiring on 31 July 2007;

Requested the Group of Experts to continue fulfilling its mandate by 20 December 2006 and again before 10 July 2007;

Requested the Group of Experts to include in its report further recommendations on feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups and militias in the eastern part of the Democratic Republic of the Congo;

Requested the Secretary-General to enable the Group of Experts to perform the tasks set out in the resolution without prejudice to the execution of the other tasks in its mandate, by providing it with the necessary additional resources;

Decided that, for a period expiring on 31 July 2007, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) should extend to the following individuals: political and military leaders recruiting or using children in armed conflict in violation of applicable international law and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict;

Requested the working group of the Security Council on children in armed conflict, the Secretary-General and his Special Representative for children in armed conflict, as well as the Group of Experts to assist the Committee in the designation of the individuals mentioned above, by making known without delay to the Committee any useful information;

violations; and civil aviation.

⁵⁹ S/2006/389, in which the Secretary-General made a series of recommendations with a view to securing strengthened action for the protection of war-affected children in the Democratic Republic of the Congo.

⁶⁰ S/2006/434, in which the mission made recommendations with respect to elections, security sector reform, governance, sexual violence and the mandate of MONUC.

⁶¹ S/2006/585.

⁵⁷ S/2006/525; the report was submitted pursuant to paragraph 2 of resolution 1654 (2006).

⁵⁸ S/2006/53. In its report, the Group of Experts made a number of recommendations in connection with arms smuggling and trafficking issues; Customs and migratory movements; confronting the financing of arms embargo

Reaffirmed its demand that all parties and all States cooperate fully with the work of the Group of Experts and that they ensure the safety of its members and unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deemed relevant to the execution of its mandate;

Further demanded that all parties and all States ensure the cooperation with the Group of Experts of individuals and entities within their jurisdiction or under their control, and called on all States in the region to implement fully their obligations.

**Decision of 3 August 2006 (5504th meeting):
statement by the President**

At the 5504th meeting, on 3 August 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Ghana) made a statement on behalf of the Council,⁶² by which the Council, inter alia:

Expressed its appreciation to the Independent Electoral Commission for the untiring efforts they had made to ensure that the polls could take place in the best possible conditions, and looked forward to the official announcement of the results by the Commission;

Deplored the incidents which had occurred in Kinshasa, Mbuji Mayi and Mweka;

Endorsed the opinion of the International Committee in Support of the Transition, who had welcomed, in that context, the work of the National Police forces;

Urged all political actors in the Democratic Republic of the Congo to continue to work to ensure that the electoral process proceeded in a free, transparent and peaceful manner, in accordance with the agreed timetable.

**Decision of 22 September 2006 (5533rd meeting):
statement by the President**

At the 5533rd meeting, on 22 September 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Greece) made a statement on behalf of the Council,⁶³ by which the Council, inter alia:

Paid tribute once again to the extraordinary commitment of the citizens of the Democratic Republic of the Congo demonstrated by their peaceful participation in the first stage of democratic elections of historical importance to their nation;

Deplored the violence that had erupted in Kinshasa from 20 to 22 August 2006 between security forces loyal to President

Kabila and Vice-President Bemba, and commended the effective action of the European Union force in support of MONUC;

Called on all political parties and in particular President Kabila and Vice-President Bemba to restate their commitment to the peace process and to work within the framework they had agreed to establish with the facilitation of MONUC as a means of peacefully resolving political differences;

Reiterated its support to the Independent Electoral Commission and to the High Media Authority;

Emphasized the need for all political parties to act responsibly within the framework of democratic institutions after the elections.

⁶² S/PRST/2006/36.

⁶³ S/PRST/2006/40.

**Decision of 29 September 2006 (5541st meeting):
resolution 1711 (2006)**

At its 5541st meeting, on 29 September 2006, the Council included in its agenda the twenty-second report of the Secretary-General on MONUC.⁶⁴ In his report, the Secretary-General noted that, despite concerns over irregularities and isolated incidents of violence, the successful elections of 30 July represented a landmark step in the peace process in the Democratic Republic of the Congo. He encouraged President Kabila and Vice-President Bemba to reaffirm their commitment to the electoral calendar, which had established 29 October as the date for the second round of presidential elections. Pledging the support of the United Nations in ensuring the timely and successful holding of those elections, he stressed that the parties and candidates had to take all possible steps to ensure that elections were held under secure conditions and were credible and transparent. He further deplored the violent incidents that had occurred from 20 to 22 August in Kinshasa and considered as worrisome the use of the media to incite hatred and violence during the electoral process. He reiterated the importance of a comprehensive plan for security sector reform and drew attention to the many challenges facing the Democratic Republic of the Congo in the post-elections period which would require the continuing support of a United Nations peacekeeping operation. He explained that the envisaged post-electoral tasks of MONUC, in cooperation with the United Nations country team and the international community, would include: providing support to the new Government and civil society in strengthening democratic institutions; promoting the rule of law and basic human rights; building an adequate security environment and architecture; strengthening economic management; and establishing and consolidating State authority nationwide. The Secretary-General recommended an extension of the mandate of MONUC for a period of four and a half months, until 15 February 2007, to allow sufficient time for consultations with the new Government on the Mission's future role. He further recommended the extension, until 15 February 2007, of the authorization to redeploy the troops from ONUB to MONUC in accordance with resolution 1669 (2006).

⁶⁴ S/2006/759, submitted pursuant to resolutions 1635 (2005) and 1565 (2004).

The President (Greece) drew attention to a draft resolution;⁶⁵ it was adopted unanimously and without debate as resolution 1711 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MONUC, as contained in resolutions 1565 (2004), 1592 (2005), 1596 (2005), 1621 (2005) and 1635 (2005), until 15 February 2007;

Decided to extend until 15 February 2007 the increase in the military and civilian police strength of MONUC authorized by resolutions 1621 (2005) and 1635 (2005);

Decided to extend until 31 December 2006 the authorization contained in resolutions 1669 (2006) and 1692 (2006) for the Secretary-General to redeploy temporarily a maximum of one infantry battalion, a military hospital and 50 military observers from ONUB to MONUC; and expressed its intention to re-examine this issue before 31 December 2006.

**Decision of 7 November 2006 (5562nd meeting):
statement by the President**

At the 5562nd meeting, on 7 November 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Peru) made a statement on behalf of the Council,⁶⁶ by which the Council, *inter alia*:

Took note of the fact that voting generally had taken place in an orderly and safe atmosphere;

Deplored the isolated incidents that had occurred;

Called on all political actors and the Congolese people to await and receive those results calmly and responsibly, refraining from any incitement to hatred or recourse to violence and respecting democratic institutions and the rule of law; stressed that the new authorities and all Congolese political actors would be responsible for ensuring the long-term sustainability of the restoration of peace and stability and for continuing to promote national reconciliation and the establishment of democratic institutions and the rule of law in the country.

**Decision of 6 December 2006 (5580th meeting):
statement by the President**

At the 5580th meeting, on 6 December 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President

⁶⁵ S/2006/774.

⁶⁶ S/PRST/2006/44.

(Qatar) made a statement on behalf of the Council,⁶⁷ by which the Council, *inter alia*:

Congratulated President Joseph Kabila on his election and commended once again the Congolese people for their civic responsibility;

Looked forward to the completion of the electoral process, and reiterated the need for all political parties to act responsibly after the elections within the framework of democratic institutions and the rule of law;

Expressed its sincere appreciation for the central role played by the Independent Electoral Commission, the Congolese National Police, MONUC, the European Union Force and by all the regional and international partners;

Paid tribute to the donor community for their assistance and encouraged the international community as a whole to continue to assist the Democratic Republic of the Congo during the process of peace consolidation, reconstruction and recovery;

Expressed its serious concern at the recent hostilities launched by non-integrated army units in Sake, in North Kivu province, and at the impact that those actions had had on the civilian population including women, children and the elderly;

Called on those units to cease their hostilities, return without delay to their initial positions and submit themselves to the army integration or demobilization process;

Encouraged MONUC, in accordance with its mandate, to continue to address with determination such security challenges, and supported the steps it had taken recently in that regard, particularly in the district of Ituri and the North Kivu province.

**Decision of 22 December 2006 (5610th meeting):
resolution 1736 (2006)**

At the 5610th meeting, on 22 December 2006, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Qatar) drew attention to a letter dated 15 November 2006 from the Secretary-General to the President of the Council.⁶⁸ In that letter, recalling resolution 1711 (2006) by which the Council had expressed its intention to re-examine the issue of redeployment of one infantry battalion, a military hospital and 50 military observers from ONUB to MONUC before 31 December 2006 with a view to ensuring that MONUC had adequate capacities to perform its mandate fully until 15 February 2007, the Secretary-General warned that, should the 916 troops deployed to MONUC under the authorized strength of ONUB be withdrawn on 31 December 2006, the security situation in northern and

central Katanga, where they were deployed, would most likely worsen, with a consequent negative impact on stability and reductions in return of internally displaced persons in the province. He requested that the Council consider a temporary increase in the authorized military strength of MONUC to accommodate the 916 troops authorized at that time under the ONUB mandate, from 1 January until 15 February 2007.

The President also drew attention to a draft resolution submitted by France;⁶⁹ it was adopted unanimously and without debate as resolution 1736 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized, from 1 January 2007 until the expiry of the current mandate of MONUC on 15 February 2007, an increase in the military strength of MONUC of up to 916 military personnel, to allow for the continued deployment to MONUC of the infantry battalion and the military hospital currently authorized under the ONUB mandate and expressed its intention to examine that issue further before 15 February, in the context of the Secretary-General's forthcoming proposals, with a view to ensuring that MONUC had adequate capabilities to perform its mandate;

Decided to remain actively seized of the matter.

**Decision of 15 February 2007 (5630th meeting):
resolution 1742 (2007)**

At its 5616th meeting, on 9 January 2007, the Council was briefed by the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union, the Under-Secretary-General for Peacekeeping Operations, and the Under-Secretary-General for Political Affairs. Statements were made by several members of the Council⁷⁰ and by the representatives of the Democratic Republic of the Congo and Germany (on behalf of the European Union).⁷¹

Recalling the military involvements of the European Union in the Democratic Republic of the Congo since 2003, through operation Artemis in Bunia in summer 2003 and the European Union force, which had been authorized by resolution 1671 (2006) and

⁶⁷ S/PRST/2006/50.

⁶⁸ S/2006/892.

⁶⁹ S/2006/1014.

⁷⁰ Statements were made by the representatives of Belgium, China, the Congo, France, Ghana, Peru, Qatar, South Africa and the United Kingdom.

⁷¹ Croatia and Turkey aligned themselves with the statement.

concluded after four months in November 2006, the representative of Germany noted that the joint efforts of the European Union and the United Nations had helped to provide stability, defuse tensions and deter potential spoilers during critical stages of the election process. Welcoming the success of the first democratic elections in the Democratic Republic of the Congo in more than 40 years, he conveyed the commitment of the European Union to continue its support for the consolidation of stability and reconstruction in the Democratic Republic of the Congo, notably through assuming a coordinating role for international efforts in the security sector, in close cooperation with the United Nations.⁷²

The High Representative for the Common Foreign and Security Policy of the European Union highlighted the role of the European Union force as a deterrent factor, in particular by containing a possible spread of violence during the elections in close cooperation with MONUC, and called the overall mission a success. He opined that some key elements for its success included the definition of a clear mandate, both in scope and timeframe, and a high degree of interaction with MONUC. He observed that, while the transitional period had entered its final phase, the peace process still faced significant challenges and expressed the determination of the European Union to continue to work with the United Nations.⁷³

The Under-Secretary-General for Peacekeeping Operations noted that, during the critical period of the elections, the European Union force had complemented the massive effort of MONUC by adding extra capacity and flexibility and by helping to address security challenges and any potential escalation that could have arisen in the country. Speaking of positive developments in the Democratic Republic of the Congo, he mentioned the appointment of former presidential candidate Mr. Antoine Gizenga as Prime Minister, the formation of the National Assembly, and the decline in fighting between the armed forces of the Democratic Republic of the Congo and the renegade forces of Laurent Nkunda in North Kivu, among others. He announced that MONUC stood ready to support the newly elected Government as it began to address the many challenges remaining, including the completion of the transitional agenda and the

implementation of the new constitution. He warned against early disengagement following the elections in the Democratic Republic of the Congo as that had resulted elsewhere in the resumption of conflict requiring a new, costlier international intervention.⁷⁴

The Under-Secretary-General for Political Affairs, reporting on the involvement of the United Nations in the electoral process in the Democratic Republic of the Congo since 2003, commended the manner in which the elections had been conducted by the Electoral Commission and welcomed the establishment of the first democratically elected national institutions in more than four decades. He stressed, however, that many challenges remained, including the holding of local elections. In his view, the establishment of local structures and institutions freely chosen by their constituents was essential for the legitimate extension of State authority, improved governance and the building of durable peace in the Democratic Republic of the Congo, with consequences for the region.⁷⁵

Council members generally commended the successful conduct of the elections in the Democratic Republic of the Congo, as well as the role that the European Union force had played in assisting MONUC in the process, particularly in advancing security sector reform.

In that context, a few representatives praised the deployment of the European Union force as a useful example of cooperation between the European Union and the United Nations.⁷⁶ In response to the question raised by the representative of the United Kingdom regarding the future role to be played by the European Union in helping tackle other difficult problems in Africa,⁷⁷ the High Representative for the Common Foreign and Security Policy of the European Union stated that good lessons had already been drawn and would be useful in other parts of Africa, in particular in Darfur.⁷⁸

Concurring with the Under-Secretary-General for Peacekeeping Operations, the representative of South Africa warned that a premature disengagement of

⁷² S/PV.5616, pp. 2-3.

⁷³ Ibid., pp. 3-4.

⁷⁴ Ibid., pp. 5-7.

⁷⁵ Ibid., pp. 7-8.

⁷⁶ Ibid., p. 9 (France, Belgium); and p. 12 (United Kingdom).

⁷⁷ Ibid., p. 13.

⁷⁸ Ibid., p. 16.

forces was likely to have negative consequences.⁷⁹ Noting that the mandate of MONUC was set to expire on 15 February, the representative of Qatar stated that the successful formation of the Government would help the Secretary-General to conduct fruitful consultations with the Congolese authorities on the future of MONUC.⁸⁰

At the 5630th meeting, on 15 February 2007, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Slovakia) drew attention to a letter dated 15 January 2007 from the representative of the Democratic Republic of the Congo to the President of the Council, asking the Council to consider the possibility of a technical renewal, limited in time, of the mandate of MONUC, in order to give the new Government the necessary flexibility in the determination of the next mandate of the Mission along with the United Nations.⁸¹

The President also drew attention to a draft resolution;⁸² it was adopted unanimously and without debate as resolution 1742 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate and personnel strength of MONUC, as set out in its resolutions 1565 (2004), 1592 (2005), 1596 (2005), 1621 (2005), 1635 (2005) and 1736 (2006), until 15 April 2007;

Requested the Secretary-General to report, as soon as possible and not later than 15 March 2007, on his consultations with the Congolese authorities and to submit recommendations on adjustments the Council might consider making to the mandate and capacities of MONUC;

Decided to remain actively seized of the matter.

**Decision of 3 April 2007 (5653rd meeting):
statement by the President**

At the 5653rd meeting, on 3 April 2007, in which 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,⁸³ by which the Council, *inter alia*:

Deplored the violence which had occurred from 22 to 25 March in Kinshasa between the Congolese security forces and the security guards of Senator Jean-Pierre Bemba;

Expressed its grave concern at the loss of lives, in particular of civilians, and urged all parties to respect the sanctity of human life and the principles of human rights;

Expressed its regret at the destruction and pillaging, including of some diplomatic missions, which had taken place during the clashes;

Emphasized the legitimacy of the new democratically elected institutions and the need for those institutions to ensure the protection of the population;

Urged all Congolese stakeholders to pursue negotiated solutions to their differences with respect for the constitutional framework and the law;

Reiterated the importance of the international community's continuing support for the peace consolidation process in the Democratic Republic of the Congo, particularly with a view to carrying out urgently security sector reform, and the need to ensure concerted action by international partners to that end.

**Decision of 13 April 2007 (5660th meeting):
resolution 1751 (2007)**

At its 5660th meeting, on 13 April 2007, the Council included in its agenda the twenty-third report of the Secretary-General on MONUC.⁸⁴ In the report, the Secretary-General observed that, after the successful conduct of the 2006 elections in the Democratic Republic of the Congo, the new Government faced the daunting task of realizing its ambitious programme for 2007-2011. Expressing concern at the most recent political developments in that country, which included, *inter alia*, allegations of widespread electoral corruption, he urged political leaders in the Democratic Republic of the Congo to respect the principles of transparency, inclusiveness and tolerance of dissent. He announced that, at the request of the new Government, MONUC would offer assistance for the holding of local elections. Referring to the security challenges posed by armed groups in the east, the Secretary-General stressed the importance of progress in security sector reform for the restoration and consolidation of peace and the exit strategy for MONUC. He reported that consultations regarding the future of MONUC were under way with the Congolese authorities and the international community and

⁷⁹ *Ibid.*, p. 14.

⁸⁰ *Ibid.*, p. 10.

⁸¹ S/2007/17.

⁸² S/2007/87.

⁸³ S/PRST/2007/9.

⁸⁴ S/2007/156, submitted pursuant to resolution 1711 (2006).

recommended that the Council approve a post-transition mandate for MONUC, during which it would continue to operate at the existing authorized strength until 31 December 2007 as a fully integrated Mission, reinforcing and complementing the work of the United Nations country team. He underscored that an operational plan for the gradual downsizing and eventual withdrawal of MONUC and a responsible exit strategy would require clear linkages between the achievement of benchmarks in key areas and the handover of responsibility to other actors, including the Government, the United Nations family and other international actors.

The representative of the Democratic Republic of the Congo was invited to participate in the discussion. The President (United Kingdom) drew attention to a draft resolution;⁸⁵ it was adopted unanimously and without debate as resolution 1751 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*, decided to extend the mandate and personnel strength of MONUC, as set out in its resolutions 1565 (2004), 1592 (2005), 1596 (2005), 1621 (2005), 1635 (2005) and 1736 (2006), until 15 May 2007; and to remain actively seized of the matter.

**Decision of 15 May 2007 (5674th meeting):
resolution 1756 (2007)**

At its 5674th meeting, on 15 May 2007, the Council again included in its agenda the twenty-third report of the Secretary-General on MONUC⁸⁶ and extended an invitation to the representative of Democratic Republic of the Congo to participate in the discussion.

The President (United States) drew attention to a draft resolution;⁸⁷ it was adopted unanimously and without debate as resolution 1756 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the deployment of MONUC until 31 December 2007 and authorized the continuation until that date of up to 17,030 military personnel, 760 military observers, 391 police trainers and 750 personnel of formed police units;

Decided that MONUC would have the mandate, within the limits of its capabilities and in its areas of deployment, to

assist the Government of the Democratic Republic of the Congo in establishing a stable security environment in the country;

Urged the Government of the Democratic Republic of the Congo to strengthen its efforts with a view to effectively extending the State's authority throughout its territory, establishing its control over the exploitation and export of natural resources, and improving the transparency of the management of the revenues from the exploitation of those natural resources;

Demanded that the militias and armed groups that were still present in the eastern part of the Democratic Republic of the Congo lay down their arms and engage voluntarily and without any further delay or preconditions in their demobilization, repatriation or resettlement, and reintegration;

Urged all States, especially those in the region, including the Democratic Republic of the Congo itself, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Council, and called upon the international financial institutions to assist the Government of the Democratic Republic of the Congo in establishing effective and transparent control over the exploitation of natural resources.

**Decision of 23 July 2007 (5721st meeting):
statement by the President**

At the 5721st meeting, on 23 July 2007, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (China) made a statement on behalf of the Council,⁸⁸ by which the Council, *inter alia*:

Expressed its deep concern at the deteriorating security situation in the east of the Democratic Republic of the Congo, in particular in North and South Kivu;

Urged all actors involved to refrain from any action leading to a military confrontation, that could result in further tension and aggravate the ongoing humanitarian crisis in the Kivus, and to seek a solution to the current crisis through political and diplomatic means;

Encouraged MONUC, in conformity with its mandate, to assist the Government, including through the provision of good offices, in its efforts to find a lasting solution to the crisis in the Kivus through promoting reconciliation and political dialogue.

⁸⁵ S/2007/198.

⁸⁶ S/2007/156.

⁸⁷ S/2007/271.

⁸⁸ S/PRST/2007/28.

Decision of 31 July 2007 (5726th meeting): resolution 1768 (2007)

By a letter dated 16 July 2007 to the President of the Council, the Chairman of the Committee established pursuant to resolution 1533 (2004) transmitted the report of the Group of Experts.⁸⁹ In that report, based on new investigations into the widespread diversion of natural resources in the Democratic Republic of the Congo, the Group of Experts reconfirmed the need for enhanced controls of natural resources and for the international community to lend its support to the project to develop a certification system for precious and semi-precious minerals and stones, as well as other mineral substances produced by small-scale miners. The Group also made recommendations designed to enhance aircraft security and proposed the restructuring of government civil aviation services. Noting that widely compromised supply chains and the lack of adequate due diligence systems undermined the measures authorized by the Council to prevent financial assistance to illegal armed groups, the Group recommended that companies which could not demonstrate due diligence practices be sanctioned. In order to ensure institutional knowledge on the embargo and improve its capacity to investigate potential violators, the Group recommended the creation of a database specific to the arms embargo imposed against the Democratic Republic of the Congo. In that connection, the Group also recommended that the authority of the MONUC mechanism for collecting and reporting information on embargoed material be extended to include additional technical details. In the event that non-enforcement of sanctions was the result of a lack of capacity of Member States, the Group recommended that its mandate include the task, in cooperation with those countries, of assessing their capacity needs and, where possible, suggesting ways to improve their ability to enforce targeted sanctions.

At its 5726th meeting, on 31 July 2007, the Council included in its agenda the above-mentioned letter containing the report of the Group of Experts⁸⁹ and extended an invitation to the representative of Democratic Republic of the Congo to participate in the discussion.

⁸⁹ S/2007/423; the report was submitted pursuant to paragraph 4 of resolution 1698 (2006).

The President (China) drew attention to a draft resolution;⁹⁰ it was adopted unanimously and without debate as resolution 1768 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 10 August 2007 the measures on arms embargo imposed by resolution 1493 (2003) as amended and expanded by resolution 1596 (2005);

Decided to extend, for the same period, the measures on transport imposed by resolution 1596 (2005);

Decided to extend, for the same period, the financial and travel measures imposed by resolutions 1596 (2005) and 1649 (2005), and resolution 1698 (2006);

Decided to extend, for the same period, the mandate of the Group of Experts referred to in paragraph 3 of resolution 1698 (2006);

Decided to remain actively seized of the matter.

Decision of 10 August 2007 (5730th meeting): resolution 1771 (2007)

At its 5730th meeting, on 10 August 2007, the Council included again in its agenda the letter dated 16 July 2006 from the Chairman of the Committee established pursuant to resolution 1533 (2004) to the President of the Council,⁹¹ and invited the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (Congo) drew attention to a draft resolution submitted by France;⁹² it was adopted unanimously and without debate as resolution 1771 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 15 February 2008 the measures on arms imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005);

Decided further that the measures referred to above should not apply to technical training and assistance agreed to by the Government and intended solely for support of units of the army and police of the Democratic Republic of the Congo that were in the process of their integration in the provinces of North and South Kivu and the Ituri district;

Decided to renew, for the period specified above, the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596 (2005);

⁹⁰ S/2007/465.

⁹¹ S/2007/423.

⁹² S/2007/485.

Decided that, no later than 15 February 2008, it should review the measures set forth in the resolution, with a view to adjusting them, as appropriate, in the light of the consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups.

**Decision of 21 December 2007 (5814th meeting):
resolution 1794 (2007)**

On 14 November 2007, the Secretary-General submitted the twenty-fourth report on MONUC,⁹³ by which he noted that the Government of the Democratic Republic of the Congo had demonstrated a strong determination to exert its sovereign responsibilities throughout the country. However, long-standing security challenges in the eastern Democratic Republic of the Congo continued to overshadow the positive developments. In his view, those challenges required MONUC to maintain a robust capacity in the east and a continued police, rule of law, human rights, political and civil affairs presence throughout the country. He therefore recommended the renewal of the Mission's mandate for a period of one year, and that it retain its existing complement of military, police and civilian personnel at least until the end of local elections. Gradual drawdown might then commence, subject to progress towards meeting benchmarks such as the successful completion of the local elections and ensuring the security of the population. He believed that the problems posed by all foreign armed groups on Congolese soil, particularly FDLR, could not be solved through a purely military solution, but required a common approach and close cooperation among the Governments in the region. In that context, the Secretary-General welcomed the increased dialogue among Great Lakes countries, both bilaterally and through mechanisms such as the Great Lakes Pact and the Tripartite Plus Joint Committee. As the protection of civilians remained central to the resolution of the crisis in the eastern Democratic Republic of the Congo, he announced that MONUC would continue to focus on its mandate for the protection of civilians. He further insisted that a strong security sector programme was needed in order to enable the Congolese authorities to assume their full responsibilities as

MONUC began its drawdown, and urged the Government and its international partners to seize the opportunity presented by the planned round table on security sector reform to develop a detailed and coherent blueprint without delay. Lastly, he recommended that the Council authorize MONUC to provide full support to the local elections scheduled for 2008, subject to progress by the Government of the Democratic Republic of the Congo and relevant national institutions in putting in place the legal, institutional and financial frameworks needed to conduct credible polls.

At its 5814th meeting, on 21 December 2007, the Council included in its agenda the above-mentioned report⁹³ and invited the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (Italy) then drew attention to a draft resolution;⁹⁴ it was adopted unanimously and without debate as resolution 1794 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate and capacity of MONUC, as set out in resolution 1756 (2007), until 31 December 2008 and authorized the continuation until that date of up to 17,030 military personnel, 760 military observers, 391 police personnel and 6 formed police units comprising up to 125 personnel each;

Requested MONUC to attach the highest priority to addressing the crisis in the Kivus in all its dimensions, in particular through the protection of civilians and support for the implementation of the Nairobi Joint Communiqué; demanded that the militias and armed groups still present in the eastern part of the Democratic Republic of the Congo, in particular FDLR, the ex-Rwandan Armed Forces/Interahamwe and the dissident militia of Laurent Nkunda and the Lord's Resistance Army, lay down their arms and engage voluntarily and without any further delay or preconditions in their demobilization, repatriation, resettlement, and reintegration, as appropriate;

Also demanded, recalling its resolution 1698 (2006), that all armed groups, in particular the forces of Laurent Nkunda and FDLR, immediately stop recruiting and using children and release all children associated with them;

Requested MONUC to undertake a thorough review of its efforts to prevent and respond to sexual violence, and to pursue a comprehensive mission-wide strategy, in close cooperation with the United Nations country team and other partners, to strengthen prevention, protection, and response to sexual violence, including through training for the Congolese security

⁹³ S/2007/671, submitted pursuant to resolution 1756 (2007).

⁹⁴ S/2007/752.

forces in accordance with its mandate, and to regularly report on actions taken in that regard, including factual data and trend analyses of the problem.

9. The situation in the Central African Republic

Decision of 28 October 2004 (5067th meeting): statement by the President

At its 5067th meeting, on 28 October 2004, the Security Council invited the representative of the Central African Republic to participate in the discussion. The President (United Kingdom) then made a statement on behalf of the Council,¹ by which the Council, *inter alia*:

Welcomed the spirit of consensus which the Central African parties have shown and which attests to their determination to continue the transition process to the end;

Encouraged the Central Africans to continue their efforts to ensure the success of the constitutional referendum in November and the satisfactory organization of free, transparent and democratic presidential and legislative elections in January 2005;

Welcomed the assistance provided by the international community to the stabilization and recovery of the Central African Republic;

Called upon international donors and the international financial institutions to continue to provide resolute support to the Central African Republic;

Expressed its concern at the deterioration of the State's finances and of the public sector, and called on the Central African authorities to act with determination in order to address this situation;

Encouraged the Central African authorities to continue to combat with determination human rights violations.

Decision of 22 July 2005 (5232nd meeting): statement by the President

At its 5232nd meeting, on 22 July 2005, the Council included in its agenda the report of the Secretary-General on the situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).² In his report, the Secretary-General observed that, following two rounds

of elections, held on 13 March and 8 May 2005 respectively, General François Bozizé had been elected as the next President of the Central African Republic. Despite a few shortcomings, the electoral process had been deemed to be free, reliable, fair and transparent. Noting that concerns remained regarding the security situation, the Secretary-General reported that the authorities of the Central African Republic were concerned that armed gangs, which continued their attacks throughout the country, could be used for political destabilization of the new regime. He added that efforts by BONUCA to restructure the country's armed forces and to complete the reintegration of former combatants were continuing. On the economic situation, the Secretary-General stated that the country's finances remained in crisis and deeply dependent on external budget support, but added that growth was expected to resume in most sectors in 2005. He indicated that serious human rights abuses had taken place throughout the country, including by law enforcement agencies, and stated that BONUCA continued its sensitization and training programmes.

The Council invited the representative of the Central African Republic to participate in the discussion. The President (Greece) then made a statement on behalf of the Council,³ by which the Council, *inter alia*:

Stated that it was deeply gratified by the successful holding of the presidential and legislative elections, welcomed the establishment of the newly elected institutions whose stability was necessary to ensure lasting peace in the Central African Republic;

Commended the Multinational Force of the Central African Economic and Monetary Community, France, the European Union, China and Germany for providing decisive support to them;

Called upon international donors and the international financial institutions to continue to assist the Central African Republic generously;

Requested the Secretary-General to explore the possibility of setting up a follow-up committee or enlarging the Committee

¹ S/PRST/2004/39.

² S/2005/414, submitted pursuant to the statement by the President of 26 September 2001 (S/PRST/2001/25).

³ S/PRST/2005/35.

of Foreign Partners to Follow Up on the Electoral Process in order to support the reconstruction efforts initiated by the Central Africans;

Expressed its concern at the insecurity reigning in the north and the west of the country and invites relevant States to consult with subregional and regional organizations and with the United Nations Peacebuilding Office in the Central African Republic on the action required to respond collectively to the threat posed by those armed groups to the stability of the Central African Republic and certain countries of the subregion.

Decision of 22 November 2006 (5572nd meeting): statement by the President

At its 5572nd meeting,⁴ on 22 November 2006, the Council invited the representative of the Central African Republic to

⁴ At its 5558th meeting, held in private on 30 October 2006, the Council had a discussion with the Special Representative of the Secretary-General and Head of BONUCA and the Prime Minister of the Central African Republic.

participate in the discussion. The President (Peru) then made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Reiterated its full support for BONUCA;

Welcomed the courageous efforts of the Government to implement the reforms advocated by the bilateral partners and international financial institutions aimed at improving the management of the national treasury, ensuring transparency in economic activities and good governance;

Expressed serious concern that instability along the border areas of Chad, the Sudan and the Central African Republic represented a threat to security and stability in the Central African Republic and its neighbours;

Reaffirmed its commitment to the territorial integrity of the Central African Republic;

Requested the Secretary-General to reinforce cooperation between the United Nations and member States of the Central African Economic and Monetary Community;

Decided to renew the mandate of BONUCA for a period of one year, until 31 December 2007.

⁵ S/PRST/2006/47.

10. Items relating to peace and security in Africa

A. The situation in Africa

Deliberations of 24 September 2004 (5043rd meeting)

At its 5043rd meeting, on 24 September 2004, the Security Council included in its agenda, under the item entitled "The situation in Africa", a briefing by the President of Nigeria and current Chairman of the African Union. Statements were made by all Council members, the Secretary-General and the President of Nigeria.¹

The President of the Council (Spain) drew the attention of the Council to a letter dated 22 September 2004 from the representative of Nigeria, transmitting a communiqué issued by the Peace and Security Council of the African Union regarding the situation in the Darfur region of the Sudan and the situation in Somalia.² He then provided some introductory remarks

¹ Germany and Spain were represented by their respective Ministers for Foreign Affairs.

² S/2004/755.

in his national capacity, recalling his recent visit to the Sudan the previous week. While expressing the view that the humanitarian situation in Darfur was beginning to slowly improve, he also noted that attacks on the civilian population had not stopped entirely and that it was therefore essential that all the parties respected the ceasefire agreement. Underlining the importance of the African Union's role in Darfur by, *inter alia*, sponsoring the Abuja peace negotiations, he recalled that the international community expected all the parties to negotiate in good faith to reach an agreement that could be implemented as soon as possible. Finally, in connection with the situation in the south of the Sudan, he advocated an early conclusion of the Naivasha negotiations, which could have very positive effects on the situation in Darfur.³

In his statement, the Secretary-General deemed the tragedy in Darfur to be one of the greatest challenges the international community faced, with the

³ S/PV.5043, pp. 2-3.

urgent task being the protection of civilians from violence and human rights abuses. Recalling that the United Nations was supporting the African Union to strengthen its operations in all parts of Darfur, the Secretary-General said that the expansion of the African Union's mission should be supported with substantial international resources, including logistics support, equipment and financing. Similarly, recalling that the United Nations was also supporting the leadership of the African Union in the political process to achieve a genuine political settlement, the Secretary-General called on the international community to support the African Union in such a task, by making "unambiguously clear" to both sides of the conflict that they were expected to resume negotiations for a political settlement in Darfur with the spirit of compromise necessary to reach an agreement.⁴

The President of Nigeria and current Chairman of the African Union concurred that the situation in Darfur posed serious challenges to the African Union and to the international community and referred to the peace talks in Abuja as one of the most important steps undertaken under the leadership of the African Union to address the situation in Darfur. Stating that the African Union was determined to bring peace to Darfur since the peace and security of the Sudan would positively impact the subregion as well as the whole African continent, he emphasized the collaborative role that the international community, particularly the United Nations through the Security Council, could play in strengthening the African Union's efforts in the region. He therefore urged donors and the international community to enhance the African Union's capacity by providing logistics, training, the deployment of personnel and the wherewithal to maintain a force level of approximately 3,000 troops in Darfur. The challenge, he added, was to determine which member States of the African Union would contribute to the force and to the necessary logistics and resources. Adding that such a force should be in place only until a permanent political arrangement had been agreed upon and implemented, he noted that, in light of the limited experience of the African Union with such operations, command and control would likewise be a challenge.

Turning to other issues affecting Africa, the President of Nigeria welcomed the recent extension of the mandates of the United Nations Mission in Liberia

and the United Nations Mission in Sierra Leone; and welcomed the Secretary-General's recommendations on expanding the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Concluding his statement, he urged the Security Council to continue its current positive role in support of all efforts in Africa and the international community at large to increase its level of assistance, especially in the areas of capacity-building and infrastructure development, to ensure the achievement of social and economic development in Africa.⁵

In their reactions to the briefing, most Council members generally expressed concern for the situation in Darfur, recognizing that the most urgent priority was to stop the killings and end all violence against civilians; reiterated that the Security Council was determined to keep up the pressure on the Government of the Sudan and the rebel groups to return to the negotiating table and remain committed to the peace process; and supported the efforts of the African Union in this regard.

Asked by the representative of the United States whether the Security Council and interested countries were doing enough in Darfur or could do anything different, the President of Nigeria expressed the view that the five permanent members of the Council should act in a uniform manner to put unvarying pressure on both the Government of the Sudan and the rebels.⁶ Stressing that the Council's immediate priority in Darfur was to end the violence against civilians, the representative of the United Kingdom observed that the Government of the Sudan needed assistance in this regard and, therefore, encouraged the Government itself and the African Union to quickly identify what reinforcements were needed on the ground in Darfur, as well as what the Government of the Sudan was prepared to accept and what the African Union could provide.⁷ The representative of China stated that the priority was to achieve, as soon as possible, expanded deployment by the African Union and for the international community to provide all possible assistance in that connection. Noting that the genesis of the Darfur problem was very complicated, he stressed that only through a political settlement would there be durable peace in the region of Darfur. He therefore supported the African Union in this regard and called

⁴ Ibid., p. 3.

⁵ Ibid., pp. 3-6 and pp. 15-18.

⁶ Ibid., p. 6.

⁷ Ibid., p. 7.

on all parties, especially the rebel groups, to demonstrate more flexibility so that a comprehensive agreement could be achieved.⁸ The representative of France stated that the Council needed to be very demanding of the Government of the Sudan to fulfil all its obligations, particularly the combating of impunity and the end of violence, and appealed to the international community to provide adequate assistance to the African Union.⁹ The representative of Brazil stressed that preventive action and early warning were at the core of regional organizations' assets and that there was, therefore, a need to find innovative ways to work within a logic of conflict avoidance that involved eradicating underdevelopment, lack of education, poverty and hunger. He argued that the growing interrelationship between security and economic and social development underscored the need for better cooperation between the Security Council and the Economic and Social Council through Article 65 of the Charter.¹⁰ The representative of Angola, echoed by the representative of Romania, noted that the situation in Darfur provided the Council with the opportunity to take better advantage of Chapter VIII of the Charter regarding cooperation with regional organizations.¹¹ The representative of Chile suggested that, in the light of the discussion on cooperation between the African Union and the Council, it might be interesting to hold a joint meeting of the Council and the African Union Peace and Security Council.¹²

Deliberations of 19 December 2005 to 4 April 2007 (5331st, 5525th, 5571st and 5655th meetings)

At its 5331st meeting, on 19 December 2005, the Council included in its agenda a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. Following the briefing statements were made by all Council members.

In his briefing, the Under-Secretary-General elaborated on the deteriorating situation in Darfur; reported on the violent attacks by the Lord's Resistance Army (LRA) in northern Uganda, southern Sudan and most recently in the Democratic Republic of the Congo; and informed the Council of his recent trip to

Zimbabwe, where the situation was worsening due to food shortages. With reference to the sustainability of the humanitarian operation in the Darfur, he stressed the need for an expanded and more effective security presence on the ground as soon as possible in order to provide protection to civilians and allow internally displaced persons to return to their homes. In connection with the regional crises caused by the activities of LRA, he invited the Council to strongly condemn LRA attacks against civilian and humanitarian workers and insist on the immediate cessation of violence. To help the Council consider further steps and improve its understanding of LRA, the Under-Secretary-General suggested the appointment by the Council of a panel of experts, as well as the holding of regular updates on the effects of LRA activities in the region. Finally, with reference to the humanitarian situation in Zimbabwe, he invited the United Nations and the humanitarian community at large to try to engage more actively with the Government of Zimbabwe to address the enormous humanitarian crisis. In closing, he urged the international community to support and fund a more ambitious development and humanitarian agenda, adding that humanitarian crises resulted from a total absence of peace and security and that humanitarian aid could not be an alibi for unwillingness to address the root causes of conflict.¹³

Council members expressed concern at the deepening humanitarian situations in Darfur, northern Uganda, southern Sudan and Zimbabwe and noted, *inter alia*, the need to tackle the root causes of such humanitarian situations, and the importance of a regional approach.

Referring to the situation in Darfur, several members stressed the importance of ensuring a positive outcome of the Abuja negotiations in order to stabilize the situation and ensure effective protection for the civilian population.¹⁴ Likewise, in connection with the humanitarian situation in northern Uganda and southern Sudan caused by the attacks of LRA, the representatives of Denmark and Japan emphasized the need for a resumption of dialogue between the Government of Uganda and LRA.¹⁵

⁸ *Ibid.*, pp. 7-8.

⁹ *Ibid.*, pp. 11-12.

¹⁰ *Ibid.*, p. 12.

¹¹ *Ibid.*, p. 13 (Angola); and pp. 14-15 (Romania).

¹² *Ibid.*, p. 14.

¹³ S/PV.5331, pp. 2-5.

¹⁴ *Ibid.*, p. 6 (Benin); p. 8 (Japan); p. 12 (United States); and p. 16 (France).

¹⁵ *Ibid.*, p. 7 (Denmark); and pp. 8-9 (Japan).

On the situation in Zimbabwe, some members urged the Government of Zimbabwe to demonstrate greater willingness to engage in a dialogue with the international community in order to provide assistance and protection to its own people.¹⁶ Reiterating the importance his country attached to this situation and noting that it considered the current food crisis to be a threat to regional peace and security, the representative of the United States urged the Government of Zimbabwe to reach out to its people, political parties and civil society groups and engage in a dialogue aimed at reaching a sustainable political settlement. He suggested that the Under-Secretary-General for Political Affairs pay a visit to Zimbabwe as well as to other countries in the region.¹⁷ Similarly, the representatives of France and Denmark suggested that it might be useful if the Secretary-General himself visited Zimbabwe, while the representative of the United Kingdom insisted on the necessity for seeing substantial progress before the international community could think of the Secretary-General himself getting involved in the issue.¹⁸

At the end of the meeting, while responding to questions from Council members about the possibility of a high-level visit to Zimbabwe, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator confirmed that the President of Zimbabwe had invited the Secretary-General to the country and that the latter was planning to send the Under-Secretary-General for Political Affairs on a mission to engage in dialogue with the leaders of the country.¹⁹

At its 5525th meeting, on 15 September 2006, the Council included in its agenda a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who addressed the Council and answered questions on the humanitarian situation in the Democratic Republic of the Congo and Uganda following his recent visit to the countries. All Council members made statements.

In his briefing, although acknowledging that the situation in the Democratic Republic of the Congo had

improved with more relief workers on the ground, the Under-Secretary-General noted that immunity remained a major obstacle to further progress. In this regard, he urged the Council and other Member States to put pressure on the armed forces of the Democratic Republic of the Congo to end all violence against civilians. He also called upon the Council to show its commitment by maintaining the current strength of MONUC and by exerting pressure on the Government to end impunity and promote the rule of law and good governance. Turning to the “more promising” situation in northern Uganda, the Under-Secretary-General said that he had seen “improvement on almost every indicator”, including “greater humanitarian access, smaller numbers of night commuters and better security environment in the camps of internally displaced persons. Highlighting the signing on 26 August of a Cessation of Hostilities Agreement between the Government of Uganda and LRA, he underlined the importance for the Council to help move forward the process in order to reach a final agreement as soon as possible.²⁰

Following the briefing, members of the Council stated that they were encouraged by the recent improvements in the Democratic Republic of the Congo and Uganda and welcomed the progress made; but continued to be concerned at the enormous challenges facing the two countries, as not all the factors of instability had been eliminated. They welcomed the ceasefire between the Government of Uganda and LRA and reiterated that the issue of impunity should be addressed in both countries in order to achieve lasting peace.

At its 5571st meeting, on 22 November 2006, the Council included in its agenda a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on critical humanitarian challenges in Africa, particularly the situation in Darfur and the peace talks between the Government of Uganda and LRA. Following the briefing, statements were made by all Council members.

Concerning the situation in the Sudan, and particularly in Darfur, the Under-Secretary-General reported that, since his last mission to Darfur, the Government of the Sudan was still failing to protect its own citizens, even in areas without rebels, resulting in an increase of the number of people in need of

¹⁶ *Ibid.*, p. 7 (Denmark); p. 8 (Japan); p. 12 (United States); p. 15 (Romania); and p. 18 (United Kingdom).

¹⁷ *Ibid.*, p. 12.

¹⁸ *Ibid.*, p. 7 (Denmark); p. 17 (France); and p. 18 (United Kingdom).

¹⁹ *Ibid.*, p. 20.

²⁰ S/PV.5525, pp. 2-4.

emergency assistance to 4 million, with an unprecedented 2 million internally displaced persons. To alleviate the dire situation on the ground, the Under-Secretary-General recommended an immediate cessation of hostilities and respect for the ceasefire by all parties as well as the immediate and lasting implementation of all freedom of movement guarantees afforded by the Government of the Sudan. On the high-level meeting between the United Nations and the African Union on 16 November in Addis Ababa, he expressed the hope that the agreement reached on the establishment of a hybrid United Nations/African Union force would mark a historic turning point, re-energizing the peace process, strengthening the ceasefire and facilitating effective peacekeeping. Finally, he called for an immediate deployment in Darfur of a more effective force with the mandate, resources, and capabilities to deploy proactively to areas of risk for civilian populations and facilitate the protection of humanitarian activities.

Turning to the Juba peace process between the Government of Uganda and LRA, the Under-Secretary-General indicated that, except for small incidents, the cessation of hostilities had been respected, allowing hundreds of thousands of internally displaced persons to start returning to northern Uganda. He added, however, that he was struck by the vulnerability of the peace process, which had made little substantial progress since the cessation of hostilities was signed in August 2006. Recalling his recent meeting with the LRA leadership, he said that he had urged it to move towards a speedy end to the conflict and to ensure the reassembly of the LRA forces. Concluding, the Under-Secretary-General stressed that it was crucial for the United Nations to continue funding the mediation effort by the Juba Initiative Project, which was led by the Office for the Coordination of Humanitarian Affairs; maintain political assistance to the mediation efforts; and provide immediate assistance to the assembly areas.²¹

In their statements following the briefing, members of the Council, *inter alia*, expressed deep concern about the worsening humanitarian situation in Darfur and its negative impact on the wider region, particularly on Chad and the Central African Republic; urged all parties concerned to take action to implement the ceasefire, ensure the delivery of humanitarian relief

²¹ S/PV.5571, pp. 2-6.

to the needy population, and revive the deadlocked political process; deplored the failure of the Government of the Sudan to protect its own people and called for a greater role of the international community in that regard; welcomed the outcome of the recent meeting between the United Nations and the African Union in Addis Ababa and called for its prompt translation into concrete steps.

While the representatives of the United Kingdom and the Congo said they were perplexed by the disconnect between the deteriorating humanitarian situation on the ground and progress in the political process,²² the representative of China maintained that it would be very hard to settle humanitarian crises without stability in place.²³ Likewise, the representative of the Russian Federation held that political progress would have a positive impact on the management of the humanitarian crises.²⁴ With regard to the deployment of a peacekeeping force in Darfur, the representative of Denmark stressed that a robust and efficient international force on the ground was the only way forward.²⁵ The representative of the United States reiterated that an effective peacekeeping operation should be deployed under United Nations command and control,²⁶ while the representative of France stated that an expanded international peacekeeping presence could be effective only if the parties established and implemented a genuine ceasefire and resumed the political peace process initiated by the Abuja Agreement.²⁷

On the situation in northern Uganda, most members commended the renewal on 1 November of the ceasefire agreement between the Government and LRA, while urging both sides to implement the provisions of the agreement and move the Juba peace process forward; expressed satisfaction concerning the improvement of the humanitarian situation; and urged LRA to quickly release detained non-combatants, women and children in particular. Concerning the issue of impunity, several speakers held the view that the issue must be addressed in the peace talks, reaffirming that without justice and an end to impunity there could

²² *Ibid.*, p. 6 (United Kingdom); and p. 7 (Congo).

²³ *Ibid.*, p. 14.

²⁴ *Ibid.*, p. 17.

²⁵ *Ibid.*, p. 9.

²⁶ *Ibid.*, p. 10.

²⁷ *Ibid.*, p. 12.

not be lasting peace.²⁸ The representative of the United Republic of Tanzania noted that peace and justice should not be mutually exclusive and that the issue of immunity must be handled tactfully so as not to compromise the strategic objectives.²⁹

At its 5655th meeting, on 4 April 2007, the Council included in its agenda a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on his first mission to the Sudan, Chad, and the Central African Republic. Following the briefing, statements were made by all Council members.

After explaining his findings in each of the three countries, highlighting the complexity of the conflicts in each of them, the Under-Secretary-General emphasized the need to address the regional as well as internal aspects of those conflicts and advocated a political solution through dialogue and mediation, aided from outside where necessary, but relying on national actors. He stressed that there was no more important actor in this than the Security Council.³⁰

Council members were unanimous in expressing concern about the worsening humanitarian situation in Darfur and about the fact that the situation seriously affected the situation in neighbouring countries, such as Chad and the Central African Republic. The representative of Panama welcomed the fact that no Council member had argued that the issues belonged within the purview of other forums of the Organization, and noted that when human suffering crossed borders, that alone made it an issue that the Council needed to address.³¹

Specifically concerning the situation in Darfur, several delegations called on the parties to endeavour to find a political solution; welcomed the recent agreement between the United Nations and the Government of the Sudan to lift restrictions for humanitarian workers in Darfur, and renewed the appeal to the Government of the Sudan to respect such agreement and remove bureaucratic obstacles, including delays in issuing visas and work permits for humanitarian workers. Noting that efforts should be made to avoid political approaches that would

exacerbate the situation, the representative of China stated that it was imperative to take a targeted approach to address both the “root causes and the symptoms”, avoiding any politicization of humanitarian issues.³² The representative of the Russian Federation maintained that the humanitarian problems in Darfur could be resolved only with the attainment of a stable political solution to the crisis, therefore requiring that all armed groups that remained outside the Darfur Peace Agreement became part of that Agreement.³³

On the situation in Chad and the Central African Republic, the representatives of France, Belgium, Slovakia and the United States reaffirmed their support for the idea of deploying a peacekeeping force to eastern Chad, in its border areas with the Sudan.³⁴ The representative of the United Kingdom underlined the need for an adequate protection of civilians, including those in the United Nations camps,³⁵ while the representative of the Russian Federation found it justifiable to use the Central Emergency Response Fund to help the underfinanced humanitarian activities in the Sudan, Chad and the Central African Republic, with funds allocated on an “objective and non-politicized” basis.³⁶

³² Ibid., p. 9.

³³ Ibid., p. 12.

³⁴ Ibid., p. 9 (United States); p. 11 (Belgium); p. 12 (Slovakia); and p. 14 (France).

³⁵ Ibid., p. 18.

³⁶ Ibid., p. 13.

²⁸ Ibid., pp. 8-9 (Argentina); p. 10 (Denmark); p. 16 (Ghana); and p. 18 (Peru).

²⁹ Ibid., p. 16.

³⁰ S/PV.5655, pp. 2-7.

³¹ Ibid., p. 15.

B. Africa's food crisis as a threat to peace and security

Deliberations of 30 June 2005 (5220th meeting)

At its 5220th meeting, on 30 June 2005, at which all members of the Council made statements, the Council included in its agenda, under the item entitled "Africa's food crisis as a threat to peace and security", a briefing by Mr. James Morris, Executive Director of the World Food Programme.

The Executive Director asserted that the greatest humanitarian crisis the international community faced was the gradual disintegration of social structures in southern Africa due to hunger, AIDS, recurring drought and failing governance. He elaborated that HIV/AIDS had taken one million lives during the previous year and created 14 million orphans in sub-Saharan Africa, in addition to undermining the capacity of communities to produce food and disrupting the educational and health systems. He believed that the prevalence of hunger served as an accurate barometer for the level of social instability, as hunger was both a cause and an effect of political conflict. He expressed regret that although hungry people had a right to assistance and food should not be used as a weapon of war, aid distribution was often politically motivated and food aid was in sharp decline. In his view, competition for limited food resources, population movements and large numbers of internally displaced persons and refugees caused by hunger posed a threat to stability and security in the region. He noted that food aid had not only been a critical component in disarmament, demobilization and reintegration efforts, but also a tool to restore social and economic stability, support education, help rebuild communities, and give people the means to safeguard their own welfare. With regard to the role of the Council in supporting humanitarian efforts, the Executive Director declared that the Council's focus on the issue of hunger transmitted a powerful message. In conclusion, he welcomed donor attention to emergencies not apparent to the public eye and thanked the Council for its support.³⁷

Council members shared the concerns of the effects of the triple threat of food insecurity, HIV/AIDS and weakened governance, particularly to the countries of southern Africa. According to the representative of the Philippines, the briefing

reinforced the "incontrovertible link" between the maintenance of peace and security and development, and the representative of Brazil welcomed the opportunity for the Council to examine the correlation between famine and armed conflict.³⁸ In the view of the representative of Benin, peace and security were threatened by "protracted destabilization" in sub-Saharan countries as a result of the combined effects of conflicts, climatic conditions and the fight for survival and control of the meagre resources available.³⁹ Acknowledging that humanitarian challenges had not been taken up by the Council, the representative of Romania declared that the Council welcomed the opportunity to be informed of and to examine humanitarian challenges that could constitute "ominous threats" to regional peace, security and stability.⁴⁰ The representative of the United Kingdom held that the underlying causes of hunger were very complex, although there was no doubt that hunger had links both to governance and to the Council's principal concern of peace and security.⁴¹ In the view of the representative of China, the Council should recognize the direct relationship between conflicts in Africa and the issue of food crises.⁴²

The representative of the United Kingdom argued that the Council should be better at predicting and preventing conflict, and the representative of Benin suggested that the credibility of the United Nations, particularly of the Council, would benefit from enhancing its conflict-prevention capacities.⁴³ The representatives of Japan and Greece called for comprehensive remedies to address the complexity of the problem, while the representative of the United States held that the international community should develop flexible tools to accommodate the unique causes of each particular crisis.⁴⁴

The representative of Benin emphasized that political disputes should not affect the delivery of

³⁷ S/PV.5220, pp. 2-6 and pp. 18-22.

³⁸ *Ibid.*, p. 11 (Philippines); and p. 8 (Brazil).

³⁹ *Ibid.*, p. 14.

⁴⁰ *Ibid.*, p. 9.

⁴¹ *Ibid.*

⁴² *Ibid.*, p. 13.

⁴³ *Ibid.*, pp. 10-11 (United Kingdom); and p. 14 (Benin).

⁴⁴ *Ibid.*, p. 12 (Japan); p. 13 (Greece); and p. 16 (United States).

humanitarian assistance, and the representative of Algeria believed that food should never become an instrument of war or diplomatic coercion.⁴⁵

⁴⁵ Ibid., p. 14 (Benin); and pp. 14-15 (Algeria).

A number of Council members expressed particular concern over the crisis in Zimbabwe, particularly with respect to the estimated 275,000 people recently left homeless, which had caused further deterioration of the humanitarian situation there.

C. Peace and security in Africa

Initial proceedings⁴⁶

Deliberations of 25 September 2007 (5749th meeting)

By a letter dated 19 September 2007 to the Secretary-General,⁴⁷ the representative of France indicated that a debate on the topic “Peace and security in Africa” would be held in the Council on 25 September under the presidency of France and that the meeting would be chaired by the President of France, Nicolas Sarkozy. The letter also contained a concept paper aimed at guiding the discussion, including questions around the main challenges to peace and security in Africa and ways to meet these challenges, such as the promotion of effective partnerships between the United Nations and Africa.

At its 5749th meeting, held on 25 September 2007 at the level of Heads of State and Government,⁴⁸ the Council included the above-mentioned letter in its agenda. All Council members made statements, as did the Secretary-General and the Chairperson of the African Union Commission.

⁴⁶ At its 5261st meeting, held on 14 September 2005 to consider the agenda item entitled “Threats to international peace and security”, the Council addressed the issue of peace and security in Africa and adopted resolution 1625 (2005) thereon. See section 53 (Threats to international peace and security) of the present chapter.

⁴⁷ S/2007/552.

⁴⁸ The Congo, France, Ghana, Indonesia, Panama, Slovakia South Africa and the United States were represented by their respective Presidents; Qatar was represented by its Emir; Belgium and Italy were represented by their respective Prime Ministers; Peru and the Russian Federation were represented by their Ministers for Foreign Affairs; the United Kingdom was represented by its Minister of State at the Foreign and Commonwealth Office; and China was represented by its Vice-Minister for Foreign Affairs. The President of Ghana made a statement in his capacity as Chairperson of the African Union.

The President of the Council (France) mentioned that this was the fourth summit of its kind, following similar summits in 1992, 2000 and 2005.

The Secretary-General then noted that although many African countries were facing peace and security challenges, there were some encouraging signs as well. While the United Nations was working with the African Union to better address conflicts, such as the development of an African standby force, he also intended to propose the strengthening of the Department of Political Affairs to make better use of good offices and of promoting the prevention of conflicts. The United Nations would remain committed to development and peacebuilding in Africa.⁴⁹

Speakers praised the close cooperation between the United Nations and the African Union and appreciated that the Secretary-General had given top priority to Africa, especially the Darfur crisis, and they all stressed the need to further enhance this partnership.

The representative of South Africa said that Africa’s capacity and resources to cope with conflicts was however missing despite Africa’s efforts to gain its own peace and stability.⁵⁰ This was echoed by many speakers who agreed on the need to promote capacity and institution-building in Africa so it could better respond to internal crises.⁵¹

While welcoming cooperation with the United Nations, African leaders held that primary responsibility for peace and security on the continent rested with African States.⁵² The representative of

⁴⁹ S/PV.5749, pp. 2-3.

⁵⁰ Ibid., p. 4.

⁵¹ Ibid., p. 5 (Indonesia); p. 9 (Italy); p. 10 (Qatar); p. 12 (Russian Federation); p. 13 (China); and p. 17 (African Union Commission).

⁵² Ibid., p. 3 (African Union); p. 4 (South Africa); p. 12 (Congo); and p. 17 (African Union Commission).

South Africa emphasized that Africa was committed to addressing its own problems. In this respect, he mentioned a number of successful African initiatives in Côte d'Ivoire, Liberia, Burundi, the Democratic Republic of the Congo and the Sudan.⁵³ The representative of Panama opined that the future of Africa was in the hands of Africans, but that the international community could play an important role in working with the continent to realize its future hopes,⁵⁴ and the representative of France saw no contradiction between mobilizing assistance for Africa and the desire of African States to take their fate into their own hands.⁵⁵ The representative of the Russian Federation, for his part, expressed support for a more active and responsive role of African States in advancing the goals of national reconciliation, disarmament and governance.⁵⁶

Most speakers focused their statements on the Darfur crisis and on the situation in Somalia. Several of them noted that the cooperation between the United Nations and the African Union was being tested in Darfur, and that the hybrid peacekeeping force would provide a framework for future cooperation.⁵⁷ The Chairperson of the African Union however voiced concerns that promised support thus far from partners in the international community to equip and airlift the African troops in Darfur had been inadequate and slow to materialize. Regarding the situation in Somalia, he urged the Security Council to step in and ensure that the African Union Mission in Somalia would be replaced by a peacekeeping operation by early in the next year.⁵⁸ Many other speakers also called for the provision of support to the African Union peacekeeping efforts in Somalia.⁵⁹

The representative of the United States welcomed the deployment of the African Union Mission in the Sudan, but warned that 7,000 troops were not enough, "if you believe what is taking place on the ground is genocide". He called on the Government of the Sudan to facilitate the deployment of a robust peacekeeping

force to save lives and stressed that there must be more consistent pressure to help the people of Darfur.⁶⁰ This was echoed by the representative of the United Kingdom.⁶¹ On this point, the Chairperson of the African Union said that the African Union had told the Sudanese to have faith and had no doubt that United Nations resolutions would be implemented.⁶² In addition, many speakers welcomed the resolution adopted earlier by the Council establishing a multidimensional international presence in Chad and the Central African Republic with a view of stopping the spillover effects of the Darfur crisis.⁶³

Finally, speakers suggested that economic growth and social improvement could help prevent conflict.⁶⁴ Some also stressed that it was crucial to address the grievances of the past and to fight impunity.⁶⁵ For the representative of Belgium, naming and shaming was not enough: punishment was key and the International Criminal Court had an important role to play in that regard.⁶⁶ The representatives of Slovakia, Panama and the United Kingdom expressed particular concern at the deteriorating humanitarian situation in Zimbabwe, and the United Kingdom urged the Secretary-General to send a humanitarian mission there.⁶⁷

In his statement made at the end of the debate, the Chairperson of the African Union Commission noted that peace operations were financed one by one and therefore were too slow to deploy. However, although Africa must be helped, it did not justify unbridled intervention as Africa, he said, was no longer "anyone's backyard". He also suggested that the United Nations review Chapter VIII of the Charter in a creative light and integrate a regional component in all of its actions. At the same time, the dynamic of integration must result in the reduction of foreign military bases currently operating in Africa. He

⁵³ Ibid., p. 4.

⁵⁴ Ibid., p. 10.

⁵⁵ Ibid., p. 15.

⁵⁶ Ibid., p. 12.

⁵⁷ Ibid., p. 2 (Secretary-General); p. 5 (Indonesia); p. 8 (Italy); p. 12 (Russian Federation); and p. 14 (United Kingdom).

⁵⁸ Ibid., p. 4.

⁵⁹ Ibid., p. 8 (Italy); p. 12 (Congo); p. 15 (France); and p. 16 (African Union Commission).

⁶⁰ Ibid., p. 7.

⁶¹ Ibid., p. 14.

⁶² Ibid., p. 3.

⁶³ Ibid., p. 7 (United States); p. 10 (Belgium); p. 12 (Congo); and p. 15 (United Kingdom).

⁶⁴ Ibid., p. 3 (African Union); p. 5 (Indonesia); p. 6 (Slovakia); p. 10 (Belgium); p. 12 (Congo, Russian Federation); and p. 13 (China).

⁶⁵ Ibid., p. 6 (Slovakia); p. 10 (Belgium); p. 14 (Peru); p. 15 (United Kingdom); and p. 16 (France).

⁶⁶ Ibid., p. 11.

⁶⁷ Ibid., p. 6, p. 10 and p. 15, respectively.

concluded by saying that he hoped one day Africa would have a permanent representation on the Security Council.⁶⁸

⁶⁸ Ibid., pp. 16-18.

11. The situation between Eritrea and Ethiopia

Decisions of 12 March 2004 to 13 September 2005: resolutions 1531 (2004), 1560 (2004), 1586 (2005) and 1622 (2005)

At its 4924th, 5032nd, 5139th, and 5259th meetings,¹ the Security Council adopted unanimously and without debate resolutions extending the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) on the basis of reports of the Secretary-General.² In his reports, the Secretary-General noted that, *inter alia*, the general situation in and around the Temporary Security Zone remained relatively stable, but, in the absence of progress on the demarcation of the border and full cooperation with the Eritrea-Ethiopia Boundary Commission and UNMEE, that stability should be considered as fragile; the need for implementation of the final and binding decision of 13 April 2002 of the Boundary Commission and improvement of bilateral relations through dialogue; and that the continuing stalemate in the peace process raised questions about the future of UNMEE, which was never meant to support a status quo indefinitely. He recommended that UNMEE should continue its presence at that time, as a stabilizing factor.

By those resolutions,³ the Council, *inter alia*, extended the mandate of UNMEE for subsequent six-

month periods; called on the parties concerned to cooperate with UNMEE and the Eritrea-Ethiopia Boundary Commission and to create the necessary conditions for demarcation to proceed; demanded the removal of restrictions on UNMEE; decided to monitor closely the steps taken by the parties in the implementation of their commitments under the Algiers Agreements, including through the Boundary Commission, and to review any implications for UNMEE; and called on Eritrea to enter into dialogue and cooperation with the Secretary-General's Special Envoy for Ethiopia and Eritrea.

Decision of 4 October 2005 (5276th meeting): statement by the President

At the 5276th meeting, on 4 October 2005, the President (Romania) made a statement on behalf of the Council,⁴ by which the Council, *inter alia*:

Expressed its grave concern at the decision of the Government of Eritrea to restrict all types of UNMEE helicopter flights within Eritrean airspace or coming to Eritrea, effective from 5 October 2005;

Emphasized that the aforementioned decision gravely contravened the call in resolution 1312 (2000) on the parties to provide UNMEE with the access, assistance, support and protection required for the performance of its duties;

Reaffirmed that both parties bore the primary responsibility for the implementation of the Algiers Agreements and the decision of the Eritrea-Ethiopia Boundary Commission;

Called on both parties to show maximum restraint and to refrain from any threat of use of force against each other.

Decision of 23 November 2005 (5308th meeting): resolution 1640 (2005)

At the 5308th meeting, on 23 November 2005, the President (Russian Federation) drew the attention of the Council to a letter dated 16 November 2005 from the representative of Japan addressed to the

¹ Held on 12 March and 14 September 2004 and 14 March and 13 September 2005. During this period the Council also 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 March 2004 (4922nd), 10 September 2004 (5029th), 11 March 2005 (5138th), 9 September 2005 (5257th), 19 October 2005 (5286th), 13 March 2006 (5383rd), 8 May 2006 (5433rd), 26 September 2006 (5536th), 16 January 2007 (5620th) and 24 July 2007 (5722nd).

² S/2004/180, S/2004/708, S/2005/142, S/2005/553 and Add.1.

³ Resolutions 1531 (2004), 1560 (2004), 1586 (2005) and 1622 (2005).

⁴ S/PRST/2005/47.

President of the Council,⁵ transmitting a report on the visit to Ethiopia and Eritrea by the Ambassador of Japan, in his capacity as Chairman of the Working Group on Peacekeeping Operations. In his letter, the Chairman of the Working Group observed that the current stalemate was filled with risk, and any incidents might cause a further deterioration. He underlined that the restrictions on UNMEE were a clear violation of the Algiers Agreements, and, therefore, Eritrea needed to be persuaded to lift the restrictions. Full compliance with the Boundary Commission's decision by Ethiopia also needed to be achieved urgently, and he recommended that a new resolution should urge Ethiopia to fully accept the decision.

The President also drew the attention of the Council to a draft resolution;⁶ it was then put to the vote and adopted unanimously and without debate as resolution 1640 (2005), by which the Council, *inter alia*:

Deeply deplored Eritrea's continued imposition of restrictions on the freedom of movement of UNMEE and demanded that the Government of Eritrea reverse, without further delay or preconditions, its decision to ban UNMEE helicopter flights, as well as additional restrictions imposed on the operations of UNMEE;

Called on both parties to show maximum restraint and to refrain from any threat or use of force against each other;

Requested the Secretary-General to monitor the parties' compliance with the demands above and to report to the Council in 40 days;

Demanded that Ethiopia accept fully and without further delay the final and binding decision of the Eritrea-Ethiopia Boundary Commission and take immediately concrete steps to enable the Commission to demarcate the border completely and promptly;

Called upon both parties to work, without preconditions, to break the current stalemate through diplomatic efforts.

**Decision of 7 December 2005 (5317th meeting):
statement by the President**

At the 5317th meeting, on 7 December 2005, the President (United Kingdom) made a statement on behalf of the Council,⁷ by which the Council, *inter alia*:

Condemned the decision of the Government of Eritrea to request some members of UNMEE to leave the country within 10 days, which was inconsistent with the obligations of the Government of Eritrea to respect the exclusively international nature of the peacekeeping operation;

Unequivocally demanded that Eritrea immediately reverse its decision without preconditions.

**Decision of 14 December 2005 (5326th meeting):
statement by the President**

At the 5326th meeting, on 14 December 2005, the President (United Kingdom) made a statement on behalf of the Council,⁸ by which the Council, *inter alia*:

Agreed to temporarily relocate military and civilian staff of UNMEE from Eritrea to Ethiopia solely in the interest of the security of the staff, and intended to maintain an UNMEE military presence in Eritrea during the period in which it was reviewing future plans for UNMEE;

Strongly condemned Eritrea's unacceptable actions and restrictions on UNMEE;

Stated its intention to review promptly all options for the deployment and functions of UNMEE;

Emphasized the urgent need for progress in implementation of the Eritrea-Ethiopia Boundary Commission delimitation decision.

**Decision of 24 February 2006 (5380th meeting):
statement by the President**

At the 5380th meeting, on 24 February 2006, the President (United States) drew the attention of the members to a letter dated 22 February 2006 from the representative of the United States addressed to the President of the Council,⁹ transmitting the statement made by the Witnesses to the Algiers Agreement at their meeting on 22 February 2006. He then made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Called upon both parties to show maximum restraint and refrain from any threat or use of force against the other;

Recalled that, under the Algiers Agreements, both Eritrea and Ethiopia had agreed to accept the delimitation and demarcation decisions of the Eritrea-Ethiopia Boundary Commission as final and binding and called on both sides to cooperate with the Boundary Commission to implement its decisions without further delay;

⁵ S/2005/723.

⁶ S/2005/732.

⁷ S/PRST/2005/59.

⁸ S/PRST/2005/62.

⁹ S/2006/126.

¹⁰ S/PRST/2006/10.

Urged the Boundary Commission to convene a meeting with the parties to prepare to resume demarcation and strongly urged the two parties to attend the Boundary Commission meeting and to cooperate with and abide by the requirements;

Demanded that the parties permit the UNMEE to perform its duties without restrictions and provide UNMEE with the necessary access, assistance, support and protection required for the performance of those duties;

Called upon Member States to provide continued support for UNMEE and contributions to the Trust Fund.

**Decisions of 14 March 2006 to 30 July 2007:
resolutions 1661 (2006), 1670 (2006), 1678
(2006), 1681 (2006), 1710 (2006), 1741 (2007)
and 1767 (2007)**

At its 5384th, 5410th, 5437th, 5450th, 5540th, 5626th and 5725th meetings,¹¹ the Council adopted unanimously and without debate seven resolutions extending the mandate of UNMEE on the basis of reports of the Secretary-General.¹² In his reports, the Secretary-General noted that, inter alia: the prevailing unstable, tense and volatile situation in the Temporary Security Zone was due to an accumulation of unresolved issues, in particular, the stalemated demarcation process, Ethiopia's refusal to accept without preconditions the delimitation decision of the Eritrea-Ethiopia Boundary Commission, and troop movements by Eritrea into the Temporary Security Zone; that UNMEE had had to operate under "unacceptable conditions for far too long"; that despite its reduced relevance, the presence of UNMEE could still help reduce the chance of conflict; but if there were to be no progress in the coming months towards the carrying out of the Boundary Commission's recommendation, the Council could then consider converting the United Nations operation into an observer or liaison mission.

By those resolutions,¹³ the Council, inter alia, extended the mandate of UNMEE; demanded that the parties fully comply with resolution 1640 (2005); approved the reduction of military personnel while maintaining the maximum authorized force levels; demanded that Ethiopia accept the decision of the

Eritrea-Ethiopia Boundary Commission and allow it to demarcate the border; demanded that Eritrea remove its troops from the Temporary Security Zone and reverse all its restrictions on UNMEE movement and operations and provide it necessary access, assistance, support and protection; regretted the lack of progress on demarcation and called on both parties to refrain from any threat or use of force, and cooperate fully with UNMEE and the Boundary Commission, and expressed its willingness to reconsider changes to UNMEE in the light of subsequent progress towards demarcation.

**Decision of 13 November 2007 (5778th meeting):
statement by the President**

At its 5778th meeting, on 13 November 2007, the Council included in its agenda the report of the Secretary-General on Eritrea and Ethiopia of 1 November 2007.¹⁴ In his report, the Secretary-General observed that the military situation in the Temporary Security Zone and adjacent areas had remained tense. Eritrea had brought additional military personnel and equipment into the Zone and both countries conducted rotations, training and troop regroupment of their forces in the border area. Eritrea also continued to maintain all restrictions that it had imposed on UNMEE. He noted that the meeting of the two parties with the Eritrea-Ethiopia Boundary Commission on 6 and 7 September had failed to resolve the impasse on the demarcation of the boundary. The continued stalemate on that issue and the continued military build-up, which had already resulted in shooting incidents that underscored the risk of further miscalculation, were causes for serious concern. He called on both parties to exercise the utmost restraint and to pull back their forces and reduce military activities in the border area.

The President (Indonesia) made a statement on behalf of the Council,¹⁵ by which the Council, inter alia:

Stressed the importance of the commitment of both Ethiopia and Eritrea to lay the foundation for sustainable peace in the region and, aware of the responsibilities of the United Nations under the Algiers Agreements; underscored the acceptance without preconditions by both Ethiopia and Eritrea of the final and binding delimitation decision of the Eritrea-Ethiopia Boundary Commission;

¹¹ Held on 14 March, 13 April, 15 May, 31 May and 29 September 2006 and 30 January and 30 July 2007.

¹² S/2006/140, S/2006/749, S/2006/992, S/2007/33, S/2007/440.

¹³ Resolutions 1661 (2006), 1670 (2006), 1678 (2006), 1681 (2006), 1710 (2006), 1741 (2007) and 1767 (2007).

¹⁴ S/2007/645.

¹⁵ S/PRST/2007/43.

Urged the parties to take concrete steps to implement immediately and without preconditions the delimitation decision

of the Boundary Commission, taking into account the parties' commitments regarding the Temporary Security Zone;

Called upon the parties to refrain from using force and to settle their disagreements by peaceful means;

Confirmed the parties' primary responsibility to resolve the border issue and their other differences, and expressed its readiness to endorse the commitments made by both parties;

Commended and fully supported the continuing operations of UNMEE, underscored the importance for the parties to provide UNMEE with the necessary access, assistance, support and protection required for the implementation of its mandate and welcomed the ongoing efforts by the Secretary-General towards the earliest appointment of a Special Representative.

12. The situation in Guinea-Bissau

Decision of 18 June 2004 (4992nd meeting): statement by the President

At its 4992nd meeting, on 18 June 2004, 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 the important progress made towards restoring constitutional order in Guinea-Bissau, with the conduct of credible legislative elections and the installation of a new National Popular Assembly and a new Government, as well as with the holding of elections for the President and the Vice-President of the Supreme Court of Justice. With these achievements and with the transfer of power from the National Transition Council to the newly elected Assembly, the first phase of the transition period that had been agreed upon by the military and the Government in a Political Transition Charter signed on 28 September 2003, following the military coup d'état, had been completed. He welcomed the new priorities set by the Government, namely to consolidate national reconciliation; ensure the return to constitutional order; fortify the rule of law and the respect of human rights; develop stable relations with neighbouring countries and international partners and create necessary institutional capacity for good governance, accountable and transparent financial management and the improvement of socioeconomic conditions. He also noted the instrumental contribution of the United Nations Peacebuilding Support Office in

Guinea-Bissau (UNOGBIS) to the protection of human rights in Guinea-Bissau and to the ongoing constructive political dialogue between the Government, the Assembly and international partners. He welcomed the progress made in the demobilization, reinsertion and reintegration programme. However, he expressed concern at the difficult economic situation and noted the shortfall in the multi-donor Emergency Economic Management Fund for Guinea-Bissau, which prevented the full payment of all salary arrears. He concluded that despite the progress the democratization process in Guinea-Bissau remained fragile and that the support of the international community remained paramount.

The Council extended an invitation to the representative of Guinea-Bissau to participate in the discussion. The President (Philippines) then made a statement on behalf of the Council,² by which the Council, *inter alia*:

Expressed its satisfaction regarding progress made by national authorities towards restoring constitutional order, in accordance with the Transition Charter provisions and calendar;

Encouraged all parties, and the new Government established on 12 May 2004, to faithfully adhere to the provisions of the Transition Charter in order to achieve and consolidate national reconciliation and to ensure the full restoration of constitutional order;

Expressed, nonetheless, its concern with the fragility of the democratization process in Guinea-Bissau, due mainly to the country's deep-rooted structural problems, including the

¹ S/2004/456, submitted pursuant to resolution 1233 (1999).

² S/PRST/2004/20.

weakness of State institutions and structures, as well as persistent economic and social crisis;

Further expressed its concern about the need to improve the situation of the military, in particular the payment of salary arrears, which continued to be seen as a potentially destabilizing factor;

Underlined the importance it attached to the organization of a round table which it considered of utmost relevance to addressing some of the most urgent needs of Guinea-Bissau.

Decision of 2 November 2004 (5069th meeting): statement by the President

At its 5069th meeting, on 2 November 2004, the Council extended an invitation to the representative of Guinea-Bissau. The President (United States) then made a statement on behalf of the Council,³ by which the Council, inter alia:

Expressed its deep concern at developments in Guinea-Bissau that led to the killings, on 6 October 2004, of the Chief of General Staff of the Armed Forces and of the Chief of Human Resources;

Condemned in the strongest terms such use of force to settle differences or address grievances;

Took note of the signature of a memorandum of understanding, in Bissau, on 10 October 2004, and of the establishment of a commission to monitor its implementation;

Urged all political parties to continue working, in good faith, with national authorities to complete the implementation of the Political Transition Charter before the holding of presidential elections by April 2005;

Stressed the need for urgent measures by the international community to assist the Government of Guinea-Bissau to overcome the present crisis, in particular to reinforce the capacity of legitimate authorities to maintain political stability and to determine sound solutions to the country's most urgent and fundamental challenges;

Reiterated its call on the international community to maintain its confidence in the process of democratic consolidation in Guinea-Bissau and to uphold its commitments to development in that country.

Decision of 22 December 2004 (5107th meeting): resolution 1580 (2004):

At its 5107th meeting, on 22 December 2004, the Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.⁴

In his report, the Secretary-General observed that the situation in Guinea-Bissau had been further complicated by the military mutiny of 6 October, led by a group of officers motivated by grievances over salaries, poor living conditions and corruption within the military hierarchy. Those responsible insisted the mutiny had not been a coup d'état aimed at changing the political status quo, yet they subsequently obtained from the authorities the appointment of their nominee as new Chief of General Staff. In reaction to that, many political and civil society actors voiced deep misgivings about impunity following the commitment by the Government in the memorandum of understanding, signed with the military, to a possible blanket amnesty for all those involved in military interventions since 1980. Qualified optimism was replaced by growing scepticism and an enhanced perception that the military posed the greatest obstacle to the consolidation of democracy and peace. The Secretary-General underlined the critical economic and social situation and reported that the humanitarian situation was worrying following the mutiny. He also noted the pressing need for the reform of the police force and the elimination of mine-related risks. In addition, he recommended that the mandate of UNOGBIS be revised to take into account new tasks and the importance of strengthening the capacity of national stakeholders. The revised mandate would integrate development and peace and security activities with a view to defining a cohesive peacebuilding strategy in the immediate, medium and long term. It would also contribute to institutional capacity-building; to the prevention of national and regional proliferation of small arms and to military reform. The Secretary-General recommended that a special fund be set up to facilitate the planning and implementation of the military reform process.

The President (Algeria) drew the attention of the Council to a draft resolution;⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1580 (2004), by which the Council, inter alia:

Decided to extend the mandate of UNOGBIS for one year;

Decided also to revise the mandate of UNOGBIS; called upon the National Assembly of Guinea-Bissau, while addressing the issue of granting amnesty for all those involved in military

³ S/PRST/2004/41.

⁴ S/2004/969.

⁵ S/2004/986.

interventions since 1980, to take account of principles of justice and fight against impunity;

Strongly urged the Government, together with military authorities and other concerned parties to agree on a national plan for reform of the security sector, in particular military reform; appealed to the international community to continue to provide assistance to help Guinea-Bissau to meet its immediate needs as well as its structural challenges.

**Decision of 31 March 2005 (5157th meeting):
statement by the President**

At its 5157th meeting, on 31 March 2005, the Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.⁶ In his report, the Secretary-General noted that the country had improved noticeably despite recurrent challenges. He noted that the forthcoming presidential elections would put a formal end to the transition set in motion by the Political Transition Charter and would mark the full restoration of constitutional order in the country, provided that they were properly prepared and managed. He also noted the beginning of the new session of the National Popular Assembly. He observed that the economic situation in Guinea-Bissau had improved slightly but that the Government remained unable to pay all salary arrears. He also observed that while the primary responsibility for completing the political transition, managing conflict, reforming the institutions and relaunching the economy of the country rested with the Government and the people of Guinea-Bissau, the international community should remain active and generous in its support. The Secretary-General underlined the need for a cohesive peacebuilding strategy among all actors. Based on the conclusions of the United Nations multidisciplinary review mission sent to Guinea-Bissau from 12 to 17 February 2005, he recommended that, within the framework of its revised mandate, UNOGBIS focus on promoting political dialogue; developing stable civil-military relations; promoting implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and advancing a comprehensive and integrated United Nations peacebuilding strategy. He also recommended that its capacities be adjusted to meet the requirements of its revised mandate.

⁶ S/2005/174.

The Council extended an invitation to the representative of Guinea-Bissau. The President (Brazil) then made a statement on behalf of the Council,⁷ by which the Council, *inter alia*:

Recognized some progress made in some areas in Guinea-Bissau, including the electoral process;

Strongly condemned any attempts to incite violence and to impede ongoing efforts towards peace, stability and social and economic development; expressed growing concern at recent political developments in Guinea-Bissau, in particular the decision by the Partido da Renovação Social to select ex-President Koumba Yalá as its presidential candidate;

Also expressed its deep concern at the fact that peace efforts had not yet generated sufficient social and economic benefits for the population that could discourage the use of force;

Stressed the urgent need for international support to the electoral process;

Called upon Guinea-Bissau's international development partners to cooperate with the Government of Guinea-Bissau, which had been fully engaged in the implementation of the Political Transition Charter;

Welcomed initial measures taken by the Chief of General Staff regarding the reform of the Armed Forces;

Encouraged full inclusiveness and renewed commitment to reconciliation in the Armed Forces, and development of constructive civilian-military relations based on the Armed Forces as an institution subordinated to the elected civilian authorities; and reaffirmed the role of UNOGBIS in encouraging and supporting national efforts to reform the security sector.

**Decision of 19 August 2005 (5248th meeting):
statement by the President**

At its 5248th meeting, on 19 August 2005, the Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.⁸ In his report, the Secretary-General referred to the highly polarized atmosphere as Guinea-Bissau was preparing the holding of presidential elections. He also noted the threat of former President Yala to take power by force if prevented from running in the elections, despite the provision of the Transitional Charter banning his participation in political activities for five years. The Secretary-General observed, however, that, according to the electoral needs assessment mission he had dispatched the necessary technical conditions were in place for the first round of elections. He reported that, since tensions remained high in the country, he had

⁷ S/PRST/2005/14.

⁸ S/2005/380.

decided to appoint a Special Envoy for Guinea-Bissau to facilitate the holding of peaceful and credible elections and help bring the transition to a successful conclusion. He welcomed the process of reconciliation within the armed forces and the reaffirmation by the military leadership of its subordination to civilian authority. In other developments, he also expressed concern over the increase in organized crime operators. He noted the increased awareness of international human rights standards and the improvements regarding civil and political rights. He emphasized the need for a reform of the public administrative and security sector. In addition, the fact-finding mission on small arms dispatched to Guinea-Bissau had developed a project proposal for the establishment of a national small arms commission and for the execution of a small arms collection and destruction programme in the city of Bissau.

The Council extended an invitation to the representative of Guinea-Bissau to participate in the discussion. The President (Japan) then made a statement on behalf of the Council,⁹ by which the Council, *inter alia*:

Took note of the appeal filed with the Supreme Court of Justice by one of the contenders and strongly encouraged all parties to honour their commitments and accept the final ruling of the Court;

Urged them to refrain from any actions that could jeopardize the efforts towards peace and stability in Guinea-Bissau;

Underlined the importance of their timely diplomatic efforts aimed at promoting national dialogue and respect for the rule of law;

Welcomed the decision taken by the Economic and Social Council on 26 July 2005 to extend the mandate of the Ad Hoc Advisory Group on Guinea-Bissau; invited the Secretary-General to present recommendations in his next report regarding the updating of the mandate and role of UNOGBIS in the consolidation of peace and stability in Guinea-Bissau in the post-transition period.

**Decision of 19 October 2007 (5762nd meeting):
statement by the President**

At its 5762nd meeting, on 19 October 2007, the Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.¹⁰ In his report, the Secretary-General expressed concern over the continuing division and rivalry for

power among political parties and over the use of Guinea-Bissau as a transit point for illegal drugs coming from Latin America and bound for Europe. He called for the protection of public servants investigating drug trafficking in Guinea-Bissau, welcomed the joint project undertaken by the United Nations Development Programme, the United Nations Office on Drugs and Crime and UNOGBIS and welcomed the efforts for a collective and integrated response to the issue. He also reported concerns by civil society organizations regarding what they saw as pressures relating to freedom of the press and freedom of expression in connection with their report on drug trafficking, which marked a reversal in the positive trend of the previous three years, during which Guinea-Bissau was not cited among countries with a poor record of respect for freedom of the press. He underlined that unless those challenges were addressed, the important achievements made towards consolidating the country's nascent democratic and constitutional order could be jeopardized. He observed that the economic and financial situation had remained stable but fragile as the new Government had not managed to clear all salary arrears inherited from the previous government, thus entailing a series of strikes by municipal workers. He also reported that the Prime Minister of Guinea-Bissau had requested that his country be placed on the agenda of the Peacebuilding Commission.¹¹

The Council extended an invitation to the representative of Guinea-Bissau. The President (Ghana) then made a statement on behalf of the Council,¹² by which the Council, *inter alia*:

Reaffirmed its support for the continuing efforts to consolidate peace in Guinea-Bissau;

Noted with deep concern the threat posed by drug and human trafficking which would undermine the important gains made with respect to rule of law, democratic and transparent governance;

Called upon the Government to take concerted action to safeguard the safety and security of those officials who are involved in combating these activities;

Welcomed the decision by the Economic Community of West African States (ECOWAS) to convene later in the year a regional conference on combating drug trafficking;

⁹ S/PRST/2005/39.

¹⁰ S/2007/576.

¹¹ For more information on the Peacebuilding Commission, see chapter V.

¹² S/PRST/2007/38.

Called for urgent consideration of how the United Nations system might improve its support for Guinea-Bissau's fight against international drug trafficking and organized crime;

Recognized in particular the important role of the United Nations Office on Drugs and Crime;

Welcomed the initiative to hold an international conference in Lisbon, on drug trafficking on Guinea-Bissau in December 2007;

Expressed its concern with the fragility of the democratization process in Guinea-Bissau as well as persistent economic and social crisis;

Welcomed the scheduled convening of legislative elections in 2008;

Welcomed the improved dialogue between the Government of Guinea-Bissau and the Bretton Woods institutions and urged the Government to continue to implement its commitments in the areas of fiscal responsibility, reforms of the justice sector and good governance;

Encouraged the authorities of Guinea-Bissau to carry out their commitment concerning security sector reform;

Reaffirmed that peace and stability in Guinea-Bissau were critical for peace and security in the West African subregion, and welcomed the role being played by the African Union, ECOWAS and the Community of Portuguese-speaking Countries, in the peacebuilding process in Guinea-Bissau.

13. The situation in Côte d'Ivoire

Decision of 4 February 2004 (4909th meeting): resolution 1527 (2004)

In his report on the United Nations Mission in Côte d'Ivoire (MINUCI) dated 6 January 2004,¹ the Secretary-General noted with concern the prolonged political impasse in Côte d'Ivoire, which could have taken a turn for the worse with the attempt by the Young Patriots and elements of the Forces armées nationales de Côte d'Ivoire (FANCI) to cross the ceasefire line and launch attacks on the Forces nouvelles. He welcomed the initiatives by the President, Laurent Gbagbo, and the Prime Minister, Seydou Diarra, to meet with the Forces nouvelles as well as the return of the Forces nouvelles to the Government of National Reconciliation. While asserting that such positive developments had given fresh impetus to the peace process, the Secretary-General emphasized that fundamental issues underlying the Ivorian crisis had to be addressed to ensure the irreversibility of the process. Should the Ivorian parties make sufficient progress in that regard by 4 February 2004, when the mandates of MINUCI, the Economic Community of West African States (ECOWAS) Mission in Côte d'Ivoire and the French forces would expire, the Secretary-General recommended that the Council consider authorizing the deployment of a multidimensional United Nations

peacekeeping operation to support the peace process in Côte d'Ivoire. The peacekeeping operation would comprise a military component with a troop strength of 6,240, including 200 military observers and 120 staff officers, and a civilian component consisting of enhanced disarmament, demobilization and reintegration, electoral, human rights, public information, civil affairs, political, civilian police and judicial components. In that connection, the Secretary-General stressed that if the Council were to approve his recommendation on the establishment of a United Nations peacekeeping operation in Côte d'Ivoire, the Council and troop-contributing countries must ensure that the requisite resources were available and not at the expense of other missions.

At its 4909th meeting,² on 4 February 2004, the Council included the above-mentioned report in its agenda and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (China) drew the attention of the Council to a

¹ S/2004/3, submitted pursuant to resolution 1514 (2003).

² 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 Operation in Côte d'Ivoire (UNOCI), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 24 March 2005 (5150th), 19 January 2006 (5349th), 12 December 2006 (5585th) and 11 July 2007 (5715th), respectively.

draft resolution;³ it was then put to the vote and adopted, unanimously and without debate, as resolution 1527 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that the mandate of MINUCI should be extended until 27 February 2004;

Decided to renew until 27 February 2004 the authorization given to Member States participating in ECOWAS forces together with French forces supporting them;

Called on the signatories of the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under the Linas-Marcoussis Agreement; requested the Secretary-General, pending a decision by the Security Council on the reinforcement of United Nations presence in Côte d'Ivoire, to prepare the possible deployment of a peacekeeping operation within five weeks after such decision by the Council.

**Decision of 27 February 2004 (4918th meeting):
resolution 1528 (2004)**

At its 4918th meeting, on 27 February 2004, the Council again included in its agenda the report of the Secretary-General on MINUCI.⁴ In an addendum to the report dated 9 February 2004,⁵ the Secretary-General presented the findings and recommendations of a small United Nations technical team which had recently visited Côte d'Ivoire to collect more detailed information regarding the civilian police and judicial component of the proposed United Nations peacekeeping operation. On the basis of those findings, the Secretary-General recommended that (a) a total of 350 United Nations civilian police officers be deployed in Côte d'Ivoire in a phased manner; (b) a small judicial unit, comprising up to five international staff members, be established to support the re-establishment of the administration of justice in all areas affected by the conflict; and (c) a corrections unit, comprising one international staff member and eight seconded corrections officers, be established to support efforts at re-establishing the prison system in the north and strengthening the system in the south.

The Secretary-General made a statement.⁶ The President (China) drew the attention of the Council to a

³ S/2004/82.

⁴ S/2004/3 and Add.1 and 2.

⁵ S/2004/3/Add.1.

⁶ The representative of Côte d'Ivoire was invited to participate in the meeting but did not make a statement.

draft resolution;⁷ it was then put to the vote and adopted, unanimously and without debate, as resolution 1528 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to establish the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months as from 4 April 2004;

Decided to renew the mandate of MINUCI until that date;

Decided that UNOCI would comprise a military strength of a maximum of 6,240 United Nations personnel, including 200 military observers and 120 staff officers, and up to 350 civilian police officers;

Decided that the mandate of UNOCI should be: monitoring of the ceasefire and movement of armed forces, disarmament, demobilization, reintegration, repatriation and resettlement, protection of United Nations personnel, institutions and civilians, support for humanitarian assistance, support for the implementation of the peace process, assistance in the field of human rights, public information and law and order;

Authorized UNOCI to use all necessary means to carry out its mandate;

Requested the Secretary-General and the Government of National Reconciliation to conclude a status-of-forces agreement within 30 days;

Decided to renew until 4 April 2004 the authorization given to the French forces and ECOWAS forces through its resolution 1527 (2004);

Authorized for a period of 12 months from 4 April 2004 the French forces to use all necessary means in order to support UNOCI.

After the adoption of resolution 1528 (2004), the Secretary-General welcomed the significant steps recently taken by the Ivorian parties in the right direction, but warned that some hard-line elements in Côte d'Ivoire remained determined to undermine the peace process. He affirmed that a strengthened United Nations presence in Côte d'Ivoire would help the Government of National Reconciliation to implement the programme of demobilization, disarmament, reintegration and repatriation, facilitate the provision of humanitarian assistance and the restoration of State authority throughout the country, and contribute to the promotion of human rights, the re-establishment of the rule of law and the preparation for the holding of fair and transparent general elections in 2005.⁸

⁷ S/2004/146.

⁸ S/PV.4918, pp. 2-3.

**Decision of 30 April 2004 (4959th meeting):
statement by the President**

At its 4959th meeting, on 30 April 2004, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Germany) then made a statement on behalf of the Council,⁹ by which the Council, *inter alia*:

Expressed its grave concern at the events which had occurred in Côte d'Ivoire at the end of March and at the current impasse in the peace process defined in the Linas-Marcoussis Agreement;

Decided to deploy UNOCI to support the process of peaceful settlement of the crisis, which was to culminate in 2005 with the organization of free, fair and transparent elections.

**Decision of 25 May 2004 (4977th meeting):
statement by the President**

At its 4977th meeting, on 25 May 2004, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Pakistan) then made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Reiterated its grave concern at the events which had occurred in Côte d'Ivoire at the end of March and at the current impasse in the peace process defined in the Linas-Marcoussis Agreement;

Reaffirmed the individual responsibility of each of the Ivorian actors to ensure the full implementation of the Agreement;

Reiterated its complete readiness to take any necessary further steps, against individuals who blocked the full implementation of the Linas-Marcoussis Agreement;

Strongly condemned the violations of human rights and international humanitarian law committed in Côte d'Ivoire and expressed its determination to ensure that those responsible for all these violations were identified and that the Government of Côte d'Ivoire brought them to justice;

Reaffirmed the urgency of disbanding militias and armed groups and proceeding with operations to regroup the opposing forces in order to permit the start of disarmament and demobilization which must precede their reintegration into the regular army or civilian life;

Firmly rejected the assertion that disarmament could be delayed until after the 2005 elections and called on all parties to move immediately to begin this process.

⁹ S/PRST/2004/12.

¹⁰ S/PRST/2004/17.

**Decision of 5 August 2004 (5018th meeting):
statement by the President**

At its 5018th meeting, on 5 August 2004, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Russian Federation) then made a statement on behalf of the Council,¹¹ by which the Council, *inter alia*:

Welcomed the signature, on 30 July 2004 in Accra, by all the political forces of Côte d'Ivoire, of an agreement (the "Accra III Agreement") that consolidated the implementation of the Linas-Marcoussis process;

Welcomed the concrete measures agreed upon by the signatories of the Accra III Agreement;

Urged the parties to adhere strictly to the deadlines that had been fixed, in particular to settle the issue of the eligibility to the Presidency of the Republic and to start the disarmament;

Urged all parties to implement, in good faith, the obligations they had undertaken in signing the Accra III Agreement;

Took note with profound concern of the preliminary results of the investigation led by UNOCI on the massacres that had occurred in Korhogo;

Reiterated its full support for the international commission of inquiry put in place by the United Nations High Commissioner for Human Rights, in order to establish the facts and circumstances of the perpetration of violations of human rights and international humanitarian law which had occurred in Côte d'Ivoire since 19 September 2002, and, as far as possible, to identify their authors.

**Decision of 6 November 2004 (5072nd meeting):
statement by the President**

At its 5072nd meeting, on 6 November 2004, the Council invited the representative of Côte d'Ivoire to participate in the discussion. The President (United States) drew the attention of the Council to a letter dated 6 November 2004 from the Secretary-General to the President of the Council, in which the Secretary-General, recalling resolution 1528 (2004) by which the Council had established UNOCI under Chapter VII of the Charter and set out the mandate of the Operation, urged the Council to confirm that UNOCI was authorized to use all necessary means, within its capabilities and areas of deployment, to prevent any hostile action within the Zone of Confidence.¹² The

¹¹ S/PRST/2004/29.

¹² S/2004/886.

President then made a statement on behalf of the Council,¹³ by which the Council, inter alia:

Condemned the attack against the French forces in Bouaké on 6 November 2004;

Further condemned any effort by any party to send forces through the Zone of Confidence; demanded the immediate cessation of all military operations;

Expressed its full support for the action taken by French forces and UNOCI and confirmed that they were authorized to use all necessary means to carry out fully their mandate;

Strongly recalled the obligations of all Ivorian parties to refrain from any violence against civilians and to cooperate fully with UNOCI.

Decision of 15 November 2004 (5078th meeting): resolution 1572 (2004)

At the 5078th meeting, on 15 November 2004, the President (United States) drew the attention of the Council to a draft resolution submitted by Chile, France, Germany, Romania, Spain, the United Kingdom and the United States,¹⁴ a letter dated 10 November 2004 from the representative of the Gambia to the President of the Council,¹⁵ and a letter dated 9 November 2004 from the representative of Nigeria to the President of the Council.¹⁶ Statements were made by the representatives of China, France and Angola.¹⁷

The draft resolution was put to the vote and adopted unanimously as resolution 1572 (2004), by which the Council, acting under Chapter VII of the Charter, inter alia:

Condemned the air strikes committed by the national armed forces of Côte d'Ivoire and demanded that all Ivorian parties to the conflict fully comply with the ceasefire;

Demanded that Ivorian authorities stop all radio and television broadcasting inciting hatred and violence;

Decided that all States should, for 13 months from the date of adoption of the resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire, from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, as well as any assistance related to military activities;

Decided that all States should, for 12 months, prevent the entry into or the transit through their territories of all persons designated as a threat to the peace and national reconciliation process in Côte d'Ivoire;

Decided that all States should, for the same period of 12 months, freeze the funds, other financial assets and economic resources owned or controlled by the persons identified previously above;

Decided that, at the end of 13 months, the Security Council should review these measures imposed;

Decided to establish a Committee of the Security Council consisting of all members of the Council to undertake the tasks;

Requested all States to report to the Committee actions taken to implement the measures imposed;

Decided that the measures imposed should enter into force on 15 December 2004 unless the Security Council determined before then that the signatories of the Linas-Marcoussis and Accra III Agreements were embarked towards full implementation of the Linas-Marcoussis Agreement.

After the adoption of resolution 1572 (2004), the representative of China explained that his country favoured further Council action in the light of the serious situation in Côte d'Ivoire, but at the same time believed that the objective of such action should be to encourage the various parties to comply with the ceasefire and to resume the peace process. On the basis of that principle and taking into account the views of the States members of the African Union, he had voted for the resolution.¹⁸ The representative of France held that the resolution aimed to promote the only political solution that the Council had supported, namely implementation by all the Ivorian parties of the Linas-Marcoussis and Accra III Agreements. He held that the Council should act immediately by adopting an arms embargo and deciding on a mechanism for individual sanctions if the commitments made by the parties had not been honoured by 15 December 2004. He opined that by adopting resolution 1572 (2004), the Council had demonstrated the intention to support the initiatives of ECOWAS and the African Union and that

¹³ S/PRST/2004/42.

¹⁴ S/2004/892.

¹⁵ S/2004/895, in which the representative of the Gambia, on behalf of the African Group, appealed to the members of the Council to reconsider their proposal of imposing punitive measures against Côte d'Ivoire and to allow more time for the ongoing diplomatic efforts of the African Union to come to fruition.

¹⁶ S/2004/896, transmitting a communiqué adopted by the Peace and Security Council of the African Union on 8 November 2004 concerning the situation in Côte d'Ivoire.

¹⁷ The representative of Côte d'Ivoire was invited to participate in the meeting but did not make a statement.

¹⁸ S/PV.5078, p. 2.

Côte d'Ivoire must move forward towards the elections in October 2005.¹⁹ For his part, the representative of Angola held the view that, since the situation in Côte d'Ivoire remained tense and fragile, the Council should pressure the concerned parties in a manner that would not radicalize their positions but instead continue to stimulate dialogue among them. He stressed that the main and only objective of resolution 1572 (2004) should be bringing the parties back to the process of the implementation of the Linas-Marcoussis and Accra III Agreements by assisting them in finding the appropriate way to calm the ongoing tension.²⁰

Decision of 16 December 2004 (5103rd meeting): statement by the President

At its 5103rd meeting, on 16 December 2004, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Algeria) then made a statement on behalf of the Council,²¹ by which the Council, *inter alia*:

Reaffirmed its conviction that the full implementation of resolution 1572 (2004) was a key element in ensuring that all Ivorian parties committed themselves fully to the implementation of the peace and national reconciliation process in Côte d'Ivoire;

Requested the Committee established by resolution 1572 (2004) to continue its work, taking fully into account the developments of the peace process in Côte d'Ivoire arising from the facilitation efforts undertaken by the African Union;

Demanded that all Ivorian parties stop all incitement to violence and hatred in broadcast, written and other media, and called upon the Committee to monitor this closely without delay;

Also demanded that all Ivorian parties ensure freedom of the press and unlimited access to information throughout Côte d'Ivoire;

Expressed its intention to consider without delay further steps to ensure the effective monitoring and implementation of the arms embargo imposed by resolution 1572 (2004).

Decision of 1 February 2005 (5118th meeting): resolution 1584 (2005)

At the 5118th meeting, on 1 February 2005, in which the representative of Côte d'Ivoire was invited to participate, the President (Benin) drew the attention of the Council to a draft resolution submitted by

Denmark, France, Romania, the United Kingdom and the United States.²² The draft resolution was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1584 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized UNOCI and the French forces which supported it to monitor the implementation of the measures imposed by resolution 1572 (2004), including by inspecting the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire; and to collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire and to dispose of such arms and related materiel as appropriate;

Requested the French forces to provide, as appropriate, security assistance to UNOCI;

Demanded that all Ivorian parties provide unhindered access to UNOCI and French forces which supported it to enable them to carry out their tasks;

Requested the Secretary-General to create, within 30 days, and for a period of six months, a group of experts consisting of no more than three members to examine and analyse information gathered by UNOCI and the French forces in the context of the monitoring mandate;

Requested the Secretary-General and the Government of France to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire;

Decided to remain actively seized of the matter.

Decision of 4 April 2005 (5159th meeting): resolution 1594 (2005)

On 18 March 2005, the Secretary-General submitted to the Council the fourth progress report on UNOCI.²³ In that report, the Secretary-General noted with concern that the security situation in Côte d'Ivoire remained precarious since the November 2004 crisis, with a marked increase in dangerous activities by militia-type groups. Recalling that the President of South Africa, Thabo Mbeki, had been leading an Africa Union mediation mission to promote the peace process in Côte d'Ivoire, the Secretary-General reiterated his appeal to President Gbagbo, the Forces nouvelles and the leaders of all Ivorian political movements to demonstrate the necessary political will and carry out the African Union plan of action without further delay

¹⁹ *Ibid.*, p. 3.

²⁰ *Ibid.*

²¹ S/PRST/2004/48.

²² S/2005/54.

²³ S/2005/186, submitted pursuant to resolution 1528 (2004).

or risk the possibility of renewed hostilities. With respect to the elections scheduled for October 2005, the Secretary-General was concerned that the time remaining for their proper organization was rapidly running out and that further delays could increasingly jeopardize the holding of the elections. Noting that certain parties had asked for an enhanced United Nations role in the electoral process, he made it clear that such requests required the agreement of all Ivorian parties. The Secretary-General stated that while the UNOCI and French forces would continue to complement each other in providing security in support of the peace process, additional resources were required for UNOCI to discharge effectively its expanded mandate and to ensure the safety and security of United Nations personnel. As such, he reiterated his request that the Council approve the additional military, civilian police and civilian resources proposed in his third progress report on UNOCI.²⁴ It was also crucial that UNOCI would be provided with the requisite technical capacity and other resources to enhance its effectiveness in monitoring the arms embargo. He further recommended that the mandate of UNOCI be extended for a period of 12 months until 4 April 2006. Finally, the Secretary-General emphasized that the Ivorian leaders bore full responsibility for finding a way out of the crisis and must make the hard decisions and visionary compromises that were urgently required. Those who failed to accept this responsibility should face firm actions by the international community, including implementation of the individual measures envisaged in resolution 1572 (2004). The Secretary-General urged the Council to regularly gauge the effect of that resolution on the ground, stressing the importance for the Council to send a clear message that it would not tolerate any incitement to provoke or attack the UNOCI and French forces.

At its 5152nd meeting, on 28 March 2005, the Council included in its agenda the fourth progress report on UNOCI²³ and heard briefings by the Principal Deputy Special Representative of the Secretary-General for Côte d'Ivoire and the Deputy Minister for Foreign Affairs of South Africa. Following the briefings, statements were made by all members of the Council as well as by the representative of Côte d'Ivoire.

²⁴ S/2004/962.

The Principal Deputy Special Representative of the Secretary-General noted that the peace process in Côte d'Ivoire had not made any significant progress since November 2004 and suggested that the Council should consider the use of all provisions of resolution 1572 (2004) to support the next key steps of the peace process. He was concerned at increasing uncertainty about whether the general elections could be held in 2005 according to the agreed timetable, warning that failure to do so could lead to a greater crisis. Recalling that UNOCI had been entrusted additional responsibilities under resolution 1584 (2005) and stressing that the present strength of UNOCI was a cause of serious concern, the Principal Deputy Special Representative reiterated the requests by the Secretary-General to reinforce UNOCI and extend its mandate. Meanwhile, he was deeply concerned at the continuing serious human rights situation in Côte d'Ivoire and hoped that the Council would promptly give all the necessary attention to the report of the International Commission of Inquiry into allegations of serious violations of human rights in the country.²⁵

The Deputy Minister for Foreign Affairs of South Africa observed that in the wake of the attacks carried out by the Ivorian Air Force against the Forces nouvelles from 4 to 6 November 2004, the peace process in Côte d'Ivoire seemed to have reached a cul-de-sac. As a result, the Chairperson of the African Union asked President Mbeki of South Africa to act as the mediator of the African Union to expedite the Ivorian peace process. After having considered the interventions that had been made since 2002 to resolve the Ivorian crisis and engage the entire spectrum of the Ivorian political leadership, the African Union mediation had reached three conclusions: first, as mandated, it should seek a solution of the Ivorian crisis within the framework of the Linas-Marcoussis and Accra II and III Agreements; secondly, it should work out a road map with specific time frames and a variety of steps to put the Ivorian peace process back on course; and, thirdly, all the Ivorian parties should agree to those propositions and commit themselves to a peaceful and negotiated resolution. The Deputy Minister stressed that the peace settlement of the Ivorian crisis required the cooperation and involvement of all the Ivorian leaders. It was therefore vital that the international community operated on the basis of the principle and practice of inclusion rather than that of

²⁵ S/PV.5152, pp. 2-5.

exclusion, and that the Security Council and the African Union considered imposing effective sanctions against those spoilers who acted wilfully to obstruct the peace process. The Deputy Minister further stressed that the fundamental and long-term solution to the Ivorian crisis required addressing issues that bore on nationality, political rights, the land question and coexistence in a multicultural, multi-ethnic and multi-religious society. In that connection, he informed the Council that the road map for the Ivorian peace process was jointly drawn up by the African Union mediation and the representatives of the United Nations, the African Union, ECOWAS, the European Union, the World Bank and the International Monetary Fund. He added that a critical meeting between President Mbeki and the principal political leaders of Côte d'Ivoire would take place in South Africa on 3 April 2005 in order to resolve the outstanding challenges concerning the implementation of the road map. Finally, the Deputy Minister noted that the African Union mediation had welcomed the Secretary-General's recommendation regarding the emergency deployment of an additional 1,226 troops to Côte d'Ivoire.²⁶

In the subsequent discussion, the Council members expressed deep concern at the serious situation in Côte d'Ivoire, notably the impasse in the political process, the deteriorating security climate, the continuing delays in the preparations for the elections and the widespread culture of impunity. They urged the Ivorian parties to implement in full their commitments under the Linas-Marcoussis and Accra III Agreements in the best interest of the Ivorian people and the Ivorian State. In that context, a number of speakers held that the Council must stand ready to take firmer action against those individuals who obstructed the peace process and violated human rights, including by imposing sanctions envisaged in resolution 1572 (2004) against them.²⁷ Noting that the increased lawlessness in Côte d'Ivoire was the result of the culture of impunity, the representative of Denmark urged the Council to carefully study the findings of the International Commission of Inquiry and make the report, without the annex, publicly available.²⁸

²⁶ Ibid., pp. 5-10.

²⁷ Ibid., p. 11 (Romania); p. 12 (Benin); p. 18 (Japan); p. 20 (Argentina, Greece); p. 22 (United Kingdom); and p. 24 (Brazil).

²⁸ Ibid., p. 23.

Members spoke highly of the ongoing African Union mediation led by President Mbeki and promised to continue to support its future efforts. They looked forward to the holding of the meeting in Pretoria between President Mbeki and the key Ivorian political leaders on 3 April, hoping that the meeting would lead to positive outcomes. The representative of the United Republic of Tanzania observed that a main challenge for supporting the African Union mediation was to formulate appropriate incentives to sustain the current peaceful political atmosphere of compromise and to move towards a situation in which all parties had a shared stake. He called on the Council to work with President Mbeki to identify and apply the appropriate mix of incentives and other measures in the context of previous Council resolutions.²⁹ For their part, the representatives of Japan and Argentina stressed the importance of the Council being regularly informed of the developments in the mediation process.³⁰

Voicing concern at the delays in the preparations for the elections as a result of the ongoing political tensions, a number of speakers underlined that everything possible had to be done to ensure the holding of the elections as scheduled;³¹ the representative of Brazil noted that the elections could be held only if there was sufficient security on the ground and if certain preconditions were met, including the adoption of relevant legislation and the disarmament of the rebels and militias.³² In addition, various members stated that to achieve lasting peace an effective disarmament, demobilization and reintegration programme must be launched,³³ the parties ought to refrain from inciting hatred and violence and spreading disinformation in the media,³⁴ and the dire humanitarian situation should be addressed.³⁵

²⁹ Ibid., p. 14.

³⁰ Ibid., p. 18 (Japan); and p. 20 (Argentina).

³¹ Ibid., p. 11 (Romania); p. 12 (Benin); p. 16 (France); p. 17 (Algeria); pp. 18-19 (Russian Federation); and p. 21 (Philippines).

³² Ibid., p. 24.

³³ Ibid., p. 12 (Benin); p. 14 (United Republic of Tanzania); p. 15 (France); p. 17 (Algeria); p. 19 (Russian Federation, Argentina); and p. 21 (Philippines).

³⁴ Ibid., p. 12 (Benin); p. 15 (France); p. 18 (Japan); p. 19 (Russian Federation); p. 23 (Denmark); and p. 24 (Brazil).

³⁵ Ibid., p. 12 (Benin); p. 15 (United States); p. 18 (Japan); and p. 19 (Russian Federation).

Many members held that UNOCI must be strengthened to effectively discharge its increased mandate and expressed support for the recommendation of the Secretary-General on reinforcing UNOCI.³⁶ However, while asserting that UNOCI should consider using all the tools at its disposal, the representative of the United States continued to question the utility of expanding the strength of UNOCI beyond its current mandate when the parties had not shown political will to move the peace process forward.³⁷ For his part, the representative of Japan called for further discussions on the appropriate force level of UNOCI so as to best optimize the peacekeeping operation assets and resources that were deployed and available in the subregion of West Africa as a whole.³⁸ In the meantime, although many members supported the extension of the UNOCI mandate for an additional period of 12 months as requested by the Secretary-General,³⁹ the representative of France proposed that the mandate be extended for one month, until 4 May 2005, so that the Council would have sufficient time to consider the results of the meeting in Pretoria.⁴⁰ Concurring with such a rollover of the mandate of UNOCI, the representative of the United Kingdom underlined the importance of the Council ensuring that its strategy in Côte d'Ivoire, the strength and mandate, the rules of engagement and the tasks given to UNOCI were all fully consistent with one another.⁴¹

Stating that his intervention was aimed “merely to ensure a balance of information”, the representative of Côte d'Ivoire affirmed that the general tone of the Secretary-General's report⁴² apparently showed “a considerable degree of sympathy for the point of view and attitude of the Forces nouvelles, the former rebels and opposition parties, while the position of the legitimate authorities is systematically called into question”. He cautioned that such an approach risked

“offering comfort to the former rebels in their intention to change the institutions of the country by violence and encouraging other rebellions in the subregion to develop”. He specifically took issue with the contents of paragraphs 7, 8, 9, 13, 17, 21, 22 and 35 of the Secretary-General's report. Meanwhile, the representative noted that his Government would announce its decision with regard to the modalities for the renewal of the mandate of UNOCI following the meeting in Pretoria on 3 April. The decision would take account of the outcome of that important meeting, he added, while hoping that the international community would follow suit.⁴³ In response, the Principal Deputy Special Representative of the Secretary-General stressed that the Secretary-General's report simply described what had actually happened without any comments and represented views based on the understanding of the spirit of the various agreements concerning Côte d'Ivoire.⁴⁴

In his further statement, the Deputy Minister for Foreign Affairs of South Africa held that good progress had actually been made in certain areas in the last few months. The current question was how to ensure a quicker implementation of the key agreements, particularly with regard to the amendment of article 35 of the Constitution, the disarmament, demobilization and reintegration process and the elections. The Deputy Minister hoped that, at the meeting in Pretoria on 3 April, the Ivorian leaders, while sitting together for the first time since the outbreak of the crisis, would agree to make a decisive leap forward so that a breakthrough could be soon achieved.⁴⁵

At its 5159th meeting, on 4 April 2005, the Council again included in its agenda the fourth progress report of the Secretary-General on UNOCI⁴⁶ and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (China) drew the attention of the Council to a draft resolution;⁴⁷ it was then put to the vote and adopted, unanimously and without debate, as resolution 1594 (2005) by which the Council, acting under Chapter VII of the Charter, *inter alia*:

³⁶ Ibid., p. 11 (Romania); p. 13 (Benin); p. 14 (United Republic of Tanzania); p. 15 (France); p. 17 (Algeria); p. 19 (Russian Federation); p. 20 (Greece); p. 23 (Denmark); and p. 24 (Brazil).

³⁷ Ibid., p. 15.

³⁸ Ibid., p. 18.

³⁹ Ibid., p. 13 (Benin, China); p. 14 (United Republic of Tanzania); p. 19 (Russian Federation); p. 20 (Argentina); p. 21 (Philippines); p. 23 (Denmark); and p. 24 (Brazil).

⁴⁰ Ibid., p. 16.

⁴¹ Ibid., p. 22.

⁴² S/2005/186.

⁴³ S/PV.5152, pp. 24-26.

⁴⁴ Ibid., pp. 26-27.

⁴⁵ Ibid., pp. 27-28.

⁴⁶ S/2005/186.

⁴⁷ S/2005/221.

Decided that the mandate of UNOCI and of the French forces which supported it should be extended for one month until 4 May 2005;

Called upon all Ivorian parties immediately and actively to pursue a lasting and just solution to the current crisis, particularly through the African Union mediation led by President Thabo Mbeki;

Decided to remain actively seized of the matter.

**Decision of 4 May 2005 (5173rd meeting):
resolution 1600 (2005)**

At the 5169th meeting, on 26 April 2005, the President (China) drew attention to a letter dated 25 April 2005 from the representative of South Africa to the President of the Council.⁴⁸ The Council then heard briefings by the Deputy Minister for Foreign Affairs of South Africa and the representative of Nigeria, following which statements were made by all Council members and by the representative of Côte d'Ivoire.

The Deputy Minister for Foreign Affairs of South Africa said he was pleased to note that the three-day meeting in Pretoria between the African Union mediator, President Thabo Mbeki, and the five main Ivorian political leaders had culminated in the signing of the Pretoria Agreement, which provided new hope to the Ivorian people and brought a new urgency to the implementation of previous undertakings. He recalled that the meeting was held in a very cordial and relaxed atmosphere, which in itself was a significant achievement, and a number of key issues had been addressed, such as the declaration of an immediate and final cessation of all hostilities in Côte d'Ivoire, the commencement of the disarmament, demobilization and reintegration process and the finalization of the amendment of article 35 of the Constitution of Côte d'Ivoire. The Deputy Minister reported that, as requested by the Pretoria Agreement, the mediator had communicated his determination on article 35 to the Ivorian leaders. President Gbagbo subsequently undertook extensive consultations with a wide range of interlocutors, the emerging central message from which was that he should use article 48 to effect the amendment of the Constitution as determined by the

mediator. Among other progresses, the Deputy Minister noted that FANCI and the Forces nouvelles had agreed to commence the disarmament, demobilization and reintegration process on 15 May 2005; that an increasing number of ministers from the Forces nouvelles had returned to Abidjan to assume their ministerial responsibilities; and that Ivorian Radio and Television had toned down its negative reporting and begun to broadcast positive reports on the Pretoria Agreement. In the meantime, the Deputy Minister highlighted that the Ivorian parties had asked the United Nations to urgently assist them in the areas of elections and security. On the issue of elections, he recalled that the Ivorian leadership had requested the United Nations to immediately establish an impartial structure that would assist the entire electoral process in Côte d'Ivoire and intervene with the relevant Ivorian authorities where necessary. On the issue of security, he clarified that the Ivorian leaders had asked for assistance in three areas, namely, the protection of the Forces nouvelles cantonment sites; the recruitment, training and deployment of a police contingent of 600 personnel in the north to avoid a security vacuum after the cantonment of the Forces nouvelles; and the disarmament of the militias. The Deputy Minister maintained that the Council should adjust the mandate of UNOCI to cater for the election supervision mechanism and support the disarmament of the militias, as well as to strengthen UNOCI in order for it to carry out the additional tasks emanating from the Pretoria Agreement. In conclusion, stressing that the international community should provide adequate and immediate funding for the disarmament, demobilization and reintegration process, the Deputy Minister implored the Council to take the necessary decisions and steps to ensure the holding of the elections as agreed. The African Union stood ready to act together with the Council in that regard, he noted, opining that achieving peace and stability in Côte d'Ivoire would have a positive impact on other countries that were emerging from conflict and attempting to work towards creating conditions for their elections.⁴⁹

Speaking on behalf of the Chairman of the African Union, the President of Nigeria, Olusegun Obasanjo, held that the Pretoria Agreement marked an important milestone in the African Union's efforts to find a peaceful solution to the Ivorian crisis and that it

⁴⁸ S/2005/270, transmitting the Pretoria Agreement on the Peace Process in Côte d'Ivoire and the letter of determination on article 35 of the Constitution of Côte d'Ivoire from the African Union mediator addressed to the Ivorian leaders.

⁴⁹ S/PV.5169, pp. 2-5 and p. 20.

was high time for all stakeholders to take concrete actions. He held that the Council ought to strengthen the United Nations presence in Côte d'Ivoire to make it visible throughout the country, and to endorse the Pretoria Agreement and the mediator's ruling on article 35 of the Constitution. He further urged the Council to review and expand the mandate of UNOCI urgently so that the mission could help actualize the commitments undertaken by the Ivorian parties.⁵⁰

The Council members welcomed the signing of the Pretoria Agreement on 6 April 2005 as a significant achievement and urged all parties concerned to make every effort to implement fully and effectively the provisions of the Agreement. In that context, several speakers stressed that the Pretoria Agreement complemented the Linas-Marcoussis and Accra III Agreements and that the provisions of all those agreements should be implemented.⁵¹ The representative of the United Republic of Tanzania urged the media in Côte d'Ivoire to support the recent peace accomplishments and sustain their current positive tone in a spirit of national reconciliation.⁵² The representative of the United States noted that a real cessation of violence was vital for the Agreement to succeed.⁵³ The representative of Algeria believed that the likely obstacles to the implementation of the Agreement would be easier to overcome if the African Union mediation continued to be supported and trusted by the international community.⁵⁴

For the peace process to move forward, various members highlighted the importance of holding free and fair elections as scheduled;⁵⁵ finalizing the amendment of article 35 of the Constitution of Côte d'Ivoire at an early date;⁵⁶ and quickly commencing and implementing the disarmament, demobilization and reintegration programme.⁵⁷ On elections, the

representative of the United Kingdom held that it would be important to measure progress against the benchmarks set by the United Nations.⁵⁸ On article 35, the representative of France hoped that the expected decision on the amendment of the article by President Gbagbo would make it possible to overcome this major obstacle of the peace process once and for all.⁵⁹ On the disarmament, demobilization and reintegration process, the representative of Algeria pointed out that international financial and technical assistance was critical to bring the process to a successful conclusion.⁶⁰

Several representatives emphasized that the Council should continue to monitor the implementation of the sanctions regime against Côte d'Ivoire given the lack of progress on the ground.⁶¹ While noting that it was not a priority to move forward on sanctions in the light of the signing of the Pretoria Agreement, the representative of the United Kingdom held that sanctions had been important in keeping the Ivorian peace process on track.⁶² The representative of Japan considered it not appropriate to immediately apply targeted sanctions against individuals since the Ivorian parties had shown their readiness to revitalize the peace process through the Pretoria Agreement.⁶³ The representative of Greece underlined the importance of the parties in Côte d'Ivoire and the countries of the region cooperating with the Group of Experts established pursuant to resolution 1584 (2005).⁶⁴

A number of members held that the capacity of UNOCI must be strengthened to meet its increased mandate in support of implementation of the Pretoria Agreement and noted in that regard their readiness to favourably consider the reinforcement of UNOCI.⁶⁵ Recalling that the rationale for the previously proposed reinforcement of 1,200 personnel had been based on the deteriorating security situation in Côte d'Ivoire, the

⁵⁰ Ibid., pp. 5-6.

⁵¹ Ibid., p. 5 (France); p. 10 (Japan); p. 11 (Romania); and p. 15 (Greece).

⁵² Ibid., p. 16.

⁵³ Ibid., p. 17.

⁵⁴ Ibid., p. 10.

⁵⁵ Ibid., p. 8 (United Kingdom); p. 9 (Benin); p. 10 (Algeria); p. 11 (Japan); p. 12 (Romania); p. 13 (Brazil); and p. 18 (China).

⁵⁶ Ibid., p. 7 (France); p. 10 (Algeria); p. 13 (Russian Federation); p. 14 (Denmark); p. 15 (Greece); p. 16 (United Republic of Tanzania); p. 17 (United States); and p. 18 (Philippines).

⁵⁷ Ibid., p. 7 (France, United Kingdom); p. 10 (Algeria);

p. 15 (Greece); p. 16 (United Republic of Tanzania); p. 17 (United States); and p. 18 (China).

⁵⁸ Ibid., p. 8.

⁵⁹ Ibid., p. 7.

⁶⁰ Ibid., p. 10.

⁶¹ Ibid., p. 12 (Romania, Argentina); p. 14 (Denmark); and p. 17 (United States).

⁶² Ibid., p. 8.

⁶³ Ibid., p. 11.

⁶⁴ Ibid., p. 15.

⁶⁵ Ibid., p. 7 (France); p. 9 (Benin); p. 11 (Japan); p. 12 (Romania, Argentina); p. 14 (Denmark); and p. 16 (United Republic of Tanzania).

representative of the United Kingdom urged members to adjust their expectations, taking into account the developments on the ground following the signing of the Pretoria Agreement. He further stressed the need for an evolving strategy for the peacekeeping operation to be gradually replaced by policing and by the Ivorians carrying it out themselves.⁶⁶

The representative of Côte d'Ivoire confirmed that the Pretoria Agreement was being implemented by all its signatories. He called for close cooperation between the various Ivorian parties and the international community for the success of the disarmament, demobilization and reintegration process, which had recently been relaunched after a suspension for several months. He informed the Council that on 27 April President Gbagbo was scheduled to make a statement on article 35 of the Constitution to the nation in support of peace. He stated that his country would appreciate receiving electoral expertise and assistance from the United Nations in accordance with the terms of the Constitution. Finally, the representative hoped that in its future draft resolutions on African crisis situations the Council would take into account the reality on the ground, as well as the need to standardize the command structures of impartial forces engaged in peacekeeping in Africa, which would strengthen the impartiality of the forces and create the conditions for trust.⁶⁷

At its 5173rd meeting, on 4 May 2005, in which the representative of Côte d'Ivoire was invited to participate, the Council again included in its agenda the fourth progress report of the Secretary-General on UNOCI⁶⁸ and a letter dated 25 April 2005 from the representative of South Africa to the President of the Council.⁶⁹ The President (Denmark) drew the attention of the Council to a draft resolution;⁷⁰ it was then put to the vote and adopted, unanimously and without debate, as resolution 1600 (2005), by which the Council, acting under Chapter VII of the Charter; inter alia:

Called on all parties to implement fully the Pretoria Agreement of 6 April 2005;

Urged all the Ivorian parties to take all necessary steps to ensure that the forthcoming general elections were free, fair and

transparent; decided that the mandate of UNOCI and of the French forces which supported it should be extended for one month, until 4 June 2005;

Decided to remain actively seized of the matter.

**Decision of 3 June 2005 (5194th meeting):
resolution 1603 (2005)**

At its 5194th meeting, on 3 June 2005, in which the representative of Côte d'Ivoire was invited to participate, the Council again included in its agenda the fourth progress report of the Secretary-General on UNOCI.⁷¹ The President (France) drew the attention of the Council to a draft resolution,⁷² as well as two letters from the representative of South Africa to the President of the Council, dated 25 April 2005⁷³ and 23 May 2005,⁷⁴ respectively. The draft resolution was then put to the vote and adopted, unanimously and without debate, as resolution 1603 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Endorsed the Pretoria Agreement and demanded that all the signatories to the agreement and all the Ivorian parties concerned implement it fully and without delay;

Demanded that all the Ivorian parties take all necessary steps to ensure that the forthcoming general elections were free, fair and transparent; requested the Secretary-General, on the basis of the Pretoria Agreement, to designate, as an exceptional arrangement, after consultations with the African Union and President Thabo Mbeki, a High Representative for the elections in Côte d'Ivoire, autonomous from UNOCI, to assist in particular in the work of the Independent Electoral Commission and of the Constitutional Council, without prejudice to the responsibilities of the Special Representative of the Secretary-General;

Decided that the mandate of UNOCI and of the French forces which supported it should be extended until 24 June 2005, with a view to renewing it, in this specific instance, for a period of seven months.

⁷¹ S/2005/186.

⁷² S/2005/359.

⁷³ S/2005/270.

⁷⁴ S/2005/340, written on behalf of President Thabo Mbeki, in his capacity as African Union mediator for the peace process in Côte d'Ivoire, who requested the United Nations to participate in the organization of general elections in Côte d'Ivoire pursuant to the Pretoria Agreement and hoped that the Security Council would soon agree on the appointment of a competent authority to guarantee transparency and the strict respect of the rules governing the elections.

⁶⁶ Ibid., pp. 7-8.

⁶⁷ Ibid., pp. 19-20.

⁶⁸ S/2005/186.

⁶⁹ S/2005/270.

⁷⁰ S/2005/282.

**Decision of 24 June 2005 (5213th meeting):
resolution 1609 (2005)**

At its 5213th meeting, on 24 June 2005, the Council included in its agenda the fifth progress report of the Secretary-General on UNOCI, dated 17 June 2005.⁷⁵ In his report, the Secretary-General noted that since the signing of the Pretoria Agreement on 6 April 2005, some progress had been made towards its implementation, notably the resolution of the issue concerning eligibility for the presidency, the agreement on the timing and modalities of the national disarmament, demobilization and reintegration programme, the removal by FANCI and the Forces nouvelles of their heavy weapons from the Zone of Confidence and the approval and implementation of the provisions regarding the statute and management of Ivorian Radio and Television. At the same time, other key provisions of the Agreement had yet to be swiftly implemented, particularly with regard to the restoration of the full integrity of the Government of National Reconciliation and the preparations for the first round of the presidential elections. The Secretary-General said that UNOCI must be urgently reinforced so that it had the capacity to effectively carry out its mandated responsibilities as well as those tasks envisaged for it under the Pretoria Agreement. He therefore requested the Council to authorize the deployment of an additional 2,076 troops and three formed police units comprising 375 officers to assist in the provision of security and the maintenance of law and order during the disarmament, demobilization and reintegration and electoral processes, along with a limited reinforcement in the civilian component of the mission.⁷⁶

The representative of Côte d'Ivoire was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;⁷⁷ it was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1609 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the mandate of UNOCI and of the French forces which supported it should be extended, in this specific instance, for a period of seven months, until 24 January 2006;

Authorized an increase in the military component of UNOCI of up to 850 additional personnel as well as an increase in the civilian police component of up to a ceiling of 725 civilian police personnel, including three formed police units, and the necessary additional civilian personnel;

Decided to review the troop levels of UNOCI by 31 December 2005, including the civilian police component, in the light of the situation in Côte d'Ivoire after the forthcoming general elections and on the basis of the tasks remaining to be carried out, with a view to further reduction as appropriate;

Authorized UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment;

Authorized from the date of adoption of the resolution the French forces to use all necessary means in order to support UNOCI in accordance with the agreement reached between UNOCI and the French authorities.

**Decision of 6 July 2005 (5221st meeting):
statement by the President**

At its 5221st meeting, on 6 July 2005, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Greece) then made a statement on behalf of the Council,⁷⁸ by which the Council, inter alia:

Welcomed the efforts undertaken by the African Union mediation so that the forthcoming elections in Côte d'Ivoire were credible and held as planned, and reiterated its full support to the African Union mediator; recalled that it had endorsed the Pretoria Agreement signed on 6 April 2005; and demanded that all the signatories to the Agreement and all the Ivorian parties concerned implement fully and without delay all the commitments made with the African Union mediation and complied scrupulously with the timetable agreed on 29 June 2005 in Pretoria;

Affirmed that it stood ready, in close consultation with the African Union mediation, to implement individual sanctions provided for in paragraphs 9 and 11 of resolution 1572 (2004) against those who did not comply with those commitments or constituted an obstacle to their full implementation.

**Decision of 14 October 2005 (5281st meeting):
statement by the President**

At the 5278th meeting,⁷⁹ on 13 October 2005, the President (Romania) drew the attention of the Council

⁷⁸ S/PRST/2005/28.

⁷⁹ At its 5253rd meeting, held in private on 31 August 2005, the Council heard briefings by the Minister of Defence of South Africa, the representative of Nigeria (representing the Chairman of the African Union) and the Special Representative of the Secretary-General for

⁷⁵ S/2005/398 and Add.1, submitted pursuant to resolution 1528 (2004).

⁷⁶ S/2005/398.

⁷⁷ S/2005/409.

members to a letter dated 6 October 2005 from the representative of Nigeria to the President of the Council.⁸⁰ The Council heard briefings by the Minister for Foreign Affairs of Nigeria, the Commissioner of the African Union Commission, the Special Representative of the Secretary-General for Côte d'Ivoire and the High Representative for the elections in Côte d'Ivoire, following which the representative of Côte d'Ivoire made a statement.

The Minister for Foreign Affairs of Nigeria was concerned about the potentially explosive situation in Côte d'Ivoire, noting that it had become increasingly clear that the transition period envisaged in the Linas-Marcoussis Agreement could not be completed with the expected holding of elections on 30 October 2005. It was therefore urgently necessary for the international community to consider ways and means to manage the situation on the ground after that date. In that context, the Minister recalled that both the African Union Peace and Security Council and ECOWAS had recently held summits to address the Ivorian crisis and made decisions concerning the possible developments in Côte d'Ivoire provided that no elections would be held by 30 October 2005. He reiterated the request by the Peace and Security Council that the Council consider a substantial increase in the strength of UNOCI so that it could effectively take up increased responsibilities. The current authorized troop levels of UNOCI, he noted, were "far too low" for a credible disarmament in Côte d'Ivoire to be achieved. In closing, the Minister appealed to the Council to act with the same sense of urgency as demonstrated by the Peace and Security Council and ECOWAS by promptly endorsing their decisions on Côte d'Ivoire as well as by strengthening UNOCI. He also stressed the need to ensure that all the structures that were essential for the governance of Côte d'Ivoire after 30 October 2005 must be put in place before that date.⁸¹

The Commissioner of the African Union Commission informed the Council that the African Union Peace and Security Council had taken a number

Côte d'Ivoire. Members of the Council and the representative of Côte d'Ivoire exchanged views with the briefers.

⁸⁰ S/2005/639, transmitting a communiqué on Côte d'Ivoire issued by the African Union Peace and Security Council held at its 40th meeting, at the level of Heads of State and Government, in Addis Ababa on 6 October 2005.

⁸¹ S/PV.5278, pp. 2-4.

of important decisions on Côte d'Ivoire for the period after 30 October 2005, including extending the transitional arrangements contained in the Linas-Marcoussis Agreement for a period not exceeding 12 months. The Peace and Security Council had also clarified the role of the international community in support of the Ivorian peace process, particularly that expected of the United Nations. The Commissioner underlined that the decisions of the Peace and Security Council of 6 October 2005 were aimed at injecting new impetus into the peace process through greater determination and involvement by the international community, as well as by greater support for and pressure on the Ivorian parties in the implementation of their commitments and obligations. He called on the Ivorian parties and the international community to take full advantage of the extended transition period to address all outstanding issues. The parties must comply strictly with their commitments and obligations, and the international community should stand ready to exert the necessary pressure and sanctions against defaulting parties. Meanwhile, the role and presence of both UNOCI and the High Representative for elections in Côte d'Ivoire must be strengthened. Finally, the Commissioner urged the Council to support the decisions of the Peace and Security Council and take all other necessary measures to further advance the peace process in Côte d'Ivoire.⁸²

The Special Representative of the Secretary-General for Côte d'Ivoire observed that the Ivorian leaders had not embraced the new path to peace as identified by the African Union Peace and Security Council. At the same time, several major challenges stood in the way towards lasting peace and security, particularly the rampant insecurity, the stalemate in the disarmament, demobilization and reintegration process and in the preparations for elections, as well as the aggressive media environment. Of particular concern were the continued violations of human rights, which constituted both a cause and a consequence of the Ivorian crisis. He expressed concern at the fact that the perpetrators of those violations had thus far enjoyed near-total impunity and reaffirmed the call by the Secretary-General that the Council should urgently consider the report of the International Commission of Inquiry into allegations of serious violations of human rights and international humanitarian law in Côte d'Ivoire. In closing, the Special Representative noted

⁸² *Ibid.*, pp. 4-6.

that a number of measures ought to be taken to follow up with the decisions of the Peace and Security Council. These included (a) the Peace and Security Council decisions should be endorsed by the Council; (b) an urgent meeting of the international working group aimed at defining a new timetable for the implementation of the remaining provisions of the Pretoria Agreement should be encouraged; (c) a new Ivorian Prime Minister and national Government should be in place as soon as possible; (d) timely recommendations should be made on the role of the National Assembly after its mandate ended in December 2005; (e) President Obasanjo and President Mbeki should be supported in their forthcoming visit to Côte d'Ivoire; and (f) the role of the United Nations needed to be clarified, given the critical and concrete tasks that it was expected to perform in support of the implementation of key aspects of the peace process.⁸³

The High Representative for the elections in Côte d'Ivoire noted that the key role of the Independent Electoral Commission in conducting the electoral process and clarifying questions regarding nationality, identification and naturalization was confirmed only after a further intervention by the African Union mediator upon his request. Given that the composition of the Commission had been finalized and its bureau was expected to be elected soon, the High Representative held that the most delicate task facing it was the identification question and the criteria for voter eligibility. The High Representative stressed that the electoral work could proceed effectively only in an environment with adequate security throughout the country, as freedom of movement and freedom of thought were indispensable to guarantee truly democratic elections accepted by all. He believed that the proposed extension of the transition for a period not exceeding 12 months was largely sufficient for the preparing and holding of free and fair elections.⁸⁴

The representative of Côte d'Ivoire said that the sixth report of the Secretary-General on UNOCI⁸⁵ seemed to have failed to sufficiently take into account the fact that Côte d'Ivoire had been at war for three years and that the northern and western half of the country was being occupied by the rebels. In the meantime, he reiterated the commitment of his

Government to ensure safety for goods and persons and freedom of movement for the impartial forces. With regard to the decisions taken by the African Union Peace and Security Council, he indicated that, as the presidential election could not be held as scheduled, primarily because the rebels were still armed and the country was still divided, President Gbagbo would remain in office until the new president was sworn in. He was convinced that the arrangements for government after 30 October 2005 proposed by the Peace and Security Council would make it possible for the peace process to continue, which was currently blocked primarily by the stalled disarmament, demobilization and reintegration process. He strongly hoped that the Council would endorse the decisions of the Peace and Security Council and underlined that discussions on a so-called "constitutional vacuum" must be ended so that all the parties could start preparing for free and transparent elections on the basis of the various agreements, particularly the road map provided for in the Pretoria Agreement of 6 April 2005 and the Pretoria Declaration of 29 June 2005.⁸⁶

At the 5281st meeting,⁸⁷ on 14 October 2005, in which the representative of Côte d'Ivoire was invited to participate, the President (Romania) made a statement on behalf of the Council,⁸⁸ by which the Council, *inter alia*:

Appreciated the efforts of the African Union, ECOWAS, the leaders of the region, the Special Representative of the Secretary-General and the High Representative for the elections to promote peace and stability in Côte d'Ivoire, and reiterated its full support for these efforts;

Endorsed the decision of the African Union Peace and Security Council on the situation in Côte d'Ivoire adopted at its 40th meeting, held at the level of Heads of State and Government, expressed its intention to take rapidly all necessary measures to support as appropriate its implementation, in order to organize free, fair, open, transparent and credible elections as soon as possible and no later than 30 October 2006;

Reaffirmed that it had endorsed the Linas-Marcoussis, Accra III and Pretoria Agreements and demanded that all the

⁸³ *Ibid.*, pp. 6-7.

⁸⁴ *Ibid.*, pp. 8-9.

⁸⁵ S/2005/604, submitted pursuant to resolution 1603 (2005).

⁸⁶ S/PV.5278, pp. 9-10.

⁸⁷ At the 5279th meeting, held in private on 13 October 2005, members of the Council exchanged views with the Minister for Foreign Affairs of Nigeria, the Commissioner of the African Union Commission, the Special Representative of the Secretary-General for Côte d'Ivoire and the High Representative of the Secretary-General for the elections in Côte d'Ivoire.

⁸⁸ S/PRST/2005/49.

Ivorian parties signatories to those Agreements, as well as all the Ivorian parties concerned, implement fully and without delay their commitments under those Agreements.

**Decision of 18 October 2005 (5283rd meeting):
resolution 1632 (2005)**

At its 5283rd meeting, on 18 October 2005, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Romania) then drew the attention of the Council to a draft resolution;⁸⁹ it was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1632 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of the Group of Experts to 15 December 2005 and requested the Secretary-General to take the necessary administrative measures;

Requested the Group of Experts to submit a brief written update to the Council, through the Committee established by paragraph 14 of resolution 1572 (2004), before 1 December 2005, on the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004) and affirmed by paragraph 1 of resolution 1584 (2005), with recommendations in this regard;

Decided to remain actively seized of the matter.

**Decision of 21 October 2005 (5288th meeting):
resolution 1633 (2005)**

At the 5288th meeting, on 21 October 2005, in which the representative of Côte d'Ivoire was invited to participate, the President (Romania) drew the attention of the Council to a draft resolution,⁹⁰ and again to the letter dated 6 October 2005 from the representative of Nigeria to the President of the Council.⁹¹ The draft resolution was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1633 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Urged the Chairperson of the African Union, the Chairperson of ECOWAS and the African Union mediator to consult with all the Ivorian parties in order to ensure that a new Prime Minister should be appointed by 31 October 2005;

Stressed that the Prime Minister must have all the necessary powers and all the governmental financial, material and human resources to ensure the effective functioning of the Government, to guarantee security and the redeployment of the

administration and public services throughout the territory of Côte d'Ivoire, to lead the programme of disarmament, demobilization and reintegration and the operations of disarmament and dismantling of militias, and to ensure the fairness of the identification process and of voter registration, leading to the organization of free, open, fair and transparent elections, with the support of the United Nations;

Requested the International Working Group to draw up a road map in consultation with all Ivorian parties, with a view to holding free, fair, open and transparent elections as soon as possible and no later than 31 October 2006;

Demanded that all Ivorian parties stop all incitement to hatred and violence in media and disarmament and immediately start dismantling of militias throughout the national territory; urged countries neighbouring Côte d'Ivoire to prevent any cross-border movement of combatants or arms into Côte d'Ivoire.

**Decision of 30 November 2005 (5314th meeting):
statement by the President**

At its 5314th meeting, on 30 November 2005, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Russian Federation) then made a statement on behalf of the Council,⁹² by which the Council, *inter alia*:

Affirmed that the rapid appointment of a Prime Minister of Côte d'Ivoire was crucial to relaunch the peace process leading to the holding of free, fair, open and transparent elections no later than 31 October 2006;

Expressed its deep concern at the persistent disagreements among Ivorian parties on the appointment of the Prime Minister and considered that the Prime Minister must be designated without any further delay;

Expressed its full support for the International Working Group, endorsed its final communiqué of 8 November 2005, welcomed its decision to hold its second meeting on 6 December 2005 in Abidjan, and urged the Group to keep the Council informed of the conclusions of its work;

Reaffirmed its readiness, in close consultation with the African Union mediation, to impose individual measures provided for in paragraphs 9 and 11 of resolution 1572 (2004) and in resolution 1633 (2005).

**Decision of 9 December 2005 (5318th meeting):
statement by the President**

At its 5318th meeting, on 9 December 2005, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The

⁸⁹ S/2005/653.

⁹⁰ S/2005/661.

⁹¹ S/2005/639 (see footnote 80 above).

⁹² S/PRST/2005/58.

President (United Kingdom) drew the attention of the Council members to a letter dated 8 December 2005 from the Secretary-General to the President of the Council.⁹³ He subsequently made a statement on behalf of the Council,⁹⁴ by which the Council, *inter alia*:

Welcomed the appointment of Mr. Charles Konan Banny as Prime Minister of Côte d'Ivoire, and expressed its full support for him;

Endorsed the final communiqué of the International Working Group of 6 December 2005; reaffirmed its support for the decision of the African Union Peace and Security Council, which stressed that the ministers should be accountable to the Prime Minister, who should have full authority over his Cabinet;

Recalled and reaffirmed that the Prime Minister must have all the necessary powers and resources described in resolution 1633 (2005), and stressed the importance of the full implementation of the resolution by the Ivorian parties under the monitoring of the International Working Group;

Urged the establishment without delay of the Government so that the Prime Minister could implement as soon as possible the road map defined by the International Working Group, and requested the Mediation Group and the International Working Group to monitor this matter closely;

Reiterated its full support for the Special Representative of the Secretary-General and the High Representative for the elections.

Decision of 15 December 2005 (5327th meeting): resolution 1643 (2005)

At its 5327th meeting, on 15 December 2005, the Council included in its agenda a letter dated 7 November 2005 from the Chairman of the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire to the President of the Council, transmitting the final report of the Group of Experts on Côte d'Ivoire.⁹⁵ In that report, the Group observed that the defence expenditure of Côte d'Ivoire was high and that the Security Council should call upon the Government of Côte d'Ivoire to submit a comprehensive breakdown of that expenditure for 2005. While the amount of revenue from cocoa production and exports and how it was allocated lacked fiscal transparency, there was no credible evaluation of

current illegal export volumes of rough diamonds from Côte d'Ivoire. In addition, the Group held that the fruit terminal at Abidjan port was clearly a strategic location for the unloading of military goods and equipment and required increased UNOCI monitoring. The Group also reiterated an observation in its previous report⁹⁶ that the Committee needed to clarify as a matter of urgency the situation in which the lack of determination as to the names of individuals or organizations for an asset freeze or travel ban had caused the widespread frustration on the part of Member States at not being able to fully implement resolution 1572 (2004).

The representative of Côte d'Ivoire was invited to participate in the discussion. The President (United Kingdom) drew the attention of the Council to letters from the Secretary-General to the President of the Council dated 28 November 2005⁹⁷ and 8 December 2005,⁹⁸ respectively, as well as a draft resolution submitted by France.⁹⁹ The draft resolution was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1643 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 15 December 2006 the provisions of paragraphs 7 to 12 of resolution 1572 (2004);

Decided that any attack or serious obstacle to the freedom of movement of UNOCI, the French forces, the High Representative for the elections and the International Working Group constituted a threat to the peace and national reconciliation process, and requested the Secretary-General and the Government of France to report to it immediately any serious obstacle or attack;

Decided that all States should take the necessary measures to prevent the import of all rough diamonds from Côte d'Ivoire to their territory; requested all States concerned to report to the Committee, within 90 days, on the actions they had taken to implement resolution 1572 (2004) and the present resolution, and authorized the Committee to request whatever further information it might consider necessary;

Decided that at the end of the period mentioned above, the Council should review the measures imposed by resolution 1572 (2004) and by the present resolution;

Requested the Secretary-General, in consultation with the Committee, to re-establish, within 30 days and for a period of

⁹³ S/2005/768, transmitting the communiqué issued by the International Working Group on Côte d'Ivoire following its second meeting, held in Abidjan on 6 December 2005.

⁹⁴ S/PRST/2005/60.

⁹⁵ S/2005/699; the report was submitted pursuant to paragraph 7 of resolution 1584 (2005).

⁹⁶ S/2005/470.

⁹⁷ S/2005/744, transmitting the communiqué issued by the International Working Group on Côte d'Ivoire following its first meeting, held in Abidjan on 8 November 2005.

⁹⁸ S/2005/768 (see footnote 93 above).

⁹⁹ S/2005/786.

six months, a group of experts consisting of no more than five members, with the appropriate range of expertise, in particular on arms, diamonds, finance, customs, civil aviation and any other relevant expertise;

Decided to remain actively seized of the matter.

**Decision of 19 January 2006 (5350th meeting):
statement by the President**

On 3 January 2006, the Secretary-General submitted to the Council the seventh progress report on UNOCI.¹⁰⁰ In that report, the Secretary-General observed that the decision of 6 October 2005 of the African Union Peace and Security Council,¹⁰¹ which had been endorsed by the Council in its resolution 1633 (2005), had helped to prevent a dangerous political and security crisis following the end of President Gbagbo's mandate on 30 October 2005, thereby giving the peace process in Côte d'Ivoire a new lease on life. He welcomed the appointment of Mr. Charles Konan Banny as the new Prime Minister for the transition period and the formation of his Government, but cautioned that the peace process brooked no further delays. In terms of those individuals and groups who obstructed the overall peace process, the Council should consider imposing targeted measures against them. The Secretary-General urged the Prime Minister to work with the International Working Group and the Mediation Group on Côte d'Ivoire to swiftly finalize the road map for the transition period. He further called upon the political parties to work with the Prime Minister and the High Representative for the elections to promptly resolve the ongoing artificially created dispute within the Independent Electoral Commission. He fully supported the view of the International Working Group that, if need be, the High Representative should invoke his arbitration authority to decisively settle the matter.

The Secretary-General emphasized that the Council's strong political determination to move the Ivorian peace process forward must be matched by the commensurate reinforcement of UNOCI to realize the goals set out in resolution 1633 (2005). He urged anew the Council to swiftly approve his recommendations of reinforcing UNOCI, including an increase in the troop levels by four battalions (3,400 troops) as well as the immediate deployment of three additional formed police units (375 officers) and 100 civilian police

¹⁰⁰ S/2006/2, submitted pursuant to resolution 1603 (2005).

¹⁰¹ S/2005/639 (see footnote 80 above).

officers. He recommended that the mandate of UNOCI be extended for a period of 12 months, until 24 January 2007, to adequately cover the post-election period in Côte d'Ivoire. Finally, reiterating the need for financial support for the effective implementation of the road map for the Ivorian peace process, especially the disarmament, demobilization and reintegration programme and the electoral process, he implored the Security Council and the General Assembly to consider authorizing the funding of the office of the High Representative for the elections from assessed contributions.

At its 5350th meeting, on 19 January 2006, the Council included the above-mentioned report in its agenda and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (United Republic of Tanzania) subsequently made a statement on behalf of the Council,¹⁰² by which the Council, *inter alia*:

Strongly condemned the recent violent attacks against UNOCI and international non-governmental organization facilities in Côte d'Ivoire by street militias and other groups associated with the "Young Patriots", as well as their instigators;

Called upon all Ivorians to refrain from any hostile action, and demanded the immediate end of this violence and of all hatred messages in the media, in particular the attacks against the United Nations;

Welcomed the urgent mission to Abidjan led by President Obasanjo;

Underlined the fact that the occupation of the facilities of Ivorian Radio and Television constituted an attack against freedom and neutrality of information as well as a breach of the principles of the process of national reconciliation, of previous resolutions of the Security Council and of the peace agreements;

Reiterated its full support for the Prime Minister, Mr. Charles Konan Banny.

**Decision of 24 January 2006 (5354th meeting):
resolution 1652 (2006)**

At its 5354th meeting, on 24 January 2006, the Council again included in its agenda the seventh progress report of the Secretary-General on UNOCI¹⁰³ and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (United Republic of Tanzania) drew the attention of the

¹⁰² S/PRST/2006/2.

¹⁰³ S/2006/2.

Council to a draft resolution,¹⁰⁴ as well as a letter dated 20 January 2006 from the representative of Côte d'Ivoire to the President of the Council.¹⁰⁵

The draft resolution was subsequently put to the vote and adopted, unanimously and without debate, as resolution 1652 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of UNOCI and of the French forces which supported it until 15 December 2006;

Decided to extend the provisions of paragraph 3 of resolution 1609 (2005) until 15 December 2006;

Expressed its intention to keep under review the tasks and the troop level of UNOCI.

**Decision of 6 February 2006 (5366th meeting):
resolution 1657 (2006)**

At its 5366th meeting, on 6 February 2006, the Council included in its agenda a letter dated 1 February 2006 from the Secretary-General to the President of the Council.¹⁰⁶ In that letter, the Secretary-General, taking into account further consideration by the Council of his recommendations on the reinforcement of UNOCI, indicated his intention to temporarily redeploy up to one mechanized infantry battalion and one formed police unit from the United Nations Mission in Liberia (UNMIL) to UNOCI for an initial period of three months.

The President (United States) drew the attention of the Council to a draft resolution submitted by France;¹⁰⁷ it was then put to the vote and adopted, unanimously and without debate, as resolution 1657 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to authorize the Secretary-General to redeploy immediately a maximum of one infantry company from UNMIL to UNOCI, until 31 March 2006, in order to provide extra security coverage for United Nations personnel and property, and to perform other tasks mandated to UNOCI, without prejudice to any future decision by the Council concerning the

¹⁰⁴ S/2006/41.

¹⁰⁵ S/2006/43, by which the representative of Côte d'Ivoire brought to the attention of the Council a number of serious misunderstandings regarding the implementation of resolution 1633 (2005), which, if not properly addressed, could "seriously endanger the peace process".

¹⁰⁶ S/2006/71.

¹⁰⁷ S/2006/73.

renewal of the mandate and level of troops of UNMIL and a further extension of the redeployment mentioned above;

Decided to remain actively seized of the matter.

**Decision of 23 February 2006 (5378th meeting):
statement by the President**

At the 5378th meeting, on 23 February 2006, the President (United States) made a statement on behalf of the Council,¹⁰⁸ by which the Council, *inter alia*:

Reiterated its full support for the International Working Group and endorsed its fourth final communiqué, of 17 February 2006;

Also endorsed the arbitration by the High Representative for the elections according to which the election of the Bureau of the Independent Electoral Commission was in compliance with the Pretoria Agreement;

Urged the Ivorian parties to ensure the effective functioning of the Independent Electoral Commission as soon as possible;

Underscored the imperative to guarantee the independence and neutrality of Ivorian Radio and Television;

Urged the Ivorian State authorities to facilitate, notably in the west, the return of humanitarian agencies and organizations.

**Decision of 29 March 2006 (5400th meeting):
statement by the President**

At its 5399th meeting, on 29 March 2006, the Council heard a statement by the Minister for Foreign Affairs of Côte d'Ivoire. He noted that, despite the violence in Abidjan and in the west of the country in mid-January, the general situation in his country had been satisfactory since the formation of the new Government in December 2005. He recalled that to further move the peace process forward two meetings had recently been held in Yamoussoukro, namely a Government seminar aimed at defining the modalities for the implementation of the road map and a round-table summit among the four major Ivorian political leaders. At that summit, the leaders took a number of decisions. They noted that resolution 1633 (2005) and the Constitution of Côte d'Ivoire were not incompatible and urged that the President and the Prime Minister find appropriate solutions to avoid potential conflicts relating to the execution of their respective authorities. They urged the Prime Minister to consult with the relevant parties to determine the powers and operating rules of the Independent

¹⁰⁸ S/PRST/2006/9.

Electoral Commission so that the elections could be organized in a fair, transparent and credible manner. They agreed to meet frequently to ensure that political life in Côte d'Ivoire was conducted in a calm environment and with respect for the values of fraternity and democracy.

The Minister observed that immediately following the convening of the two meetings, progress had been made in the implementation of resolution 1633 (2005) and the road map. The Independent Electoral Commission had started its work after many months of uncertainty; the Secretary-General of the Forces nouvelles had returned to Abidjan after 17 months of absence; and the Government had put in place the electoral and identification processes, which would proceed simultaneously. In addition, it also became possible to partially begin redeploying the State administration in the areas of education in the regions under the control of the Forces nouvelles. Stressing the need to consolidate the ongoing climate of trust and make the progress irreversible, the Minister highlighted that the issue of security must be settled as a matter of top priority and that one of the most urgent tasks was to improve the conditions of soldiers in the national army. He also informed the Council that an inter-ministerial commission had been set up to coordinate humanitarian action on a national scale.

While reaffirming that the peace and reconciliation process had taken a positive turn, the Minister stressed that much remained to be done, including financing the electoral process at all stages; completing the disarmament, demobilization and reintegration process; strengthening security throughout the country, particularly in the west bordering Liberia; resolving humanitarian problems and supporting human rights; strengthening the capacities of judicial institutions; reducing the high unemployment rate among young people; and carrying out the return of refugees and displaced persons. In closing, while strongly hoping that a new High Representative for the elections would be appointed as soon as possible, the Minister noted that his Government supported the Secretary-General's proposal to strengthen UNOCI and would ask the Council to consider it positively.¹⁰⁹

At the 5400th meeting, on 29 March 2006, in which the representative of Côte d'Ivoire was invited to participate, the President (Argentina) made a

¹⁰⁹ S/PV.5399, pp. 2-5.

statement on behalf of the Council,¹¹⁰ by which the Council, *inter alia*:

Expressed its full support for the International Working Group and endorsed its fifth final communiqué, of 17 March 2006;

Urged Ivorian leaders to fulfil all their commitments, in particular those made in Yamoussoukro on 28 February 2006, and to rapidly implement the road map, in good faith and in a spirit of trust, in order to organize free, fair, open and transparent elections by 31 October 2006;

Underlined the urgency of progress in the identification process, the establishment of the electoral registers and the commencement of the disarmament, demobilization and reintegration programme;

Called on donor countries to provide the Prime Minister with all the necessary support for the full and immediate implementation of the road map;

Reiterated its grave concern at the situation in the west;

Urged UNOCI to continue its redeployment in this region and called also for the return of this region to civilian authority;

Strongly condemned the persistence of violations of human rights, the attacks against members of the Government, the obstacles to the freedom of movement of impartial forces, and the incitements to hatred and violence in the media;

Requested the Ivorian authorities to guarantee, in close liaison with UNOCI, that all steps be taken to preserve the independence of Ivorian Radio and Television.

**Decision of 27 April 2006 (5428th meeting):
statement by the President**

At its 5426th meeting, on 27 April 2006, the Council heard a statement by the Prime Minister of Côte d'Ivoire, who reiterated that the general situation in his country remained relatively satisfactory, although events were not proceeding as quickly as he had wished. In that context, he recalled that the Government had taken several initiatives towards the reconciliation and restoration of confidence among the parties, notably the two meetings held in Yamoussoukro in February which had led to significant progress in the political, military and administrative areas. In the political area, the restoration of dialogue among the political leaders helped dispel distrust that separated them and removed obstacles to the implementation of the various agreements, resolution 1633 (2005) and the road map. In the military area, the former belligerents resumed the talks that had been

¹¹⁰ S/PRST/2006/14.

interrupted for more than a year. At the administrative level, State authorities were expected to be redeployed in the national education and higher education sectors in the regions controlled by the Forces nouvelles. Noting that the progress made thus far had to be made irreversible by enhancing the climate of confidence, the Prime Minister shared the concern expressed by the Secretary-General in his eighth report on UNOCI¹¹¹ over the consequences of any further delays in the implementation of the key deadlines set by resolution 1633 (2005) and the road map. Stating that a safe atmosphere of confidence could be ensured only by a military presence that was more significant and could also act as a deterrent, he underlined that the human, material and financial capabilities of UNOCI should be further strengthened. Finally, the Prime Minister noted that as the main concern of all Ivorians and of his Government, security throughout the country, not only in Abidjan, but also in the western region and in Bouaké, must be guaranteed. He therefore hoped that the number of additional blue helmets to reinforce UNOCI would be as close as possible to that requested by the Secretary-General.¹¹²

At the 5428th meeting,¹¹³ on 27 April 2006, at which the Prime Minister of Côte d'Ivoire was present, the President (China) made a statement on behalf of the Council,¹¹⁴ by which the Council, inter alia:

Expressed its full support for the International Working Group and endorsed its sixth final communiqué, of 20 April 2006;

Expressed its grave concern at the serious delay in the implementation of the disarmament, demobilization and reintegration programme and of the identification operations; shared the concern expressed by the Secretary-General in paragraph 74 of his report dated 11 April 2006 over the consequences of any additional delays in the implementation of the key deadlines of the road map;

Invited therefore the Prime Minister and the Government of National Reconciliation he led to take immediately all the measures necessary to the simultaneous implementation of the disarmament, demobilization and reintegration and identification operations;

Also invited the International Working Group, in accordance with paragraph 10 of resolution 1633 (2005), to

report to it any hindrance or difficulty which the Prime Minister might face in implementing his tasks.

**Decision of 24 May 2006 (5442nd meeting):
statement by the President**

On 11 April 2006, the Secretary-General submitted to the Council the eighth report on UNOCI.¹¹⁵ In that report, the Secretary-General observed that the recent initiatives taken by the Prime Minister had given fresh impetus to the Ivorian peace process. He welcomed the mechanisms for the implementation of the road map which had been set up during the Government seminar and the summit of the Ivorian leaders in February, but he cautioned that considerable challenges remained ahead. In that context, the Secretary-General underlined that the progress achieved so far could be sustained only if further concrete and dynamic action was taken to begin the implementation of the disarmament, demobilization and reintegration programme, the dismantling of the militias, the redeployment of State authority and the preparations for the elections. He urged the Ivorian parties to agree without delay on the modalities for implementing the crucial identification process, adding that the United Nations was prepared to assist in that respect. Fearing that as long as the militias and the Young Patriots remained mobilized, the security situation in Côte d'Ivoire would continue to be fragile and potentially volatile, he stressed that the disarmament process, including disarmament of the militias, must start immediately.

To complete the extremely complex peace process, the Secretary-General noted, would require the mobilization of significant resources and the full adherence of the Ivorian parties to the principles and objectives laid down in the peace agreements and Council resolutions. He emphasized that the window of opportunity for full implementation of the road map was very narrow and cautioned that any further delays or disruptions in the peace process would hinder the timely organization of the elections by 31 October 2006. The Secretary-General reaffirmed his appeal to the Council to give positive consideration to his recommendations on reinforcement of UNOCI as contained in his seventh report on UNOCI¹¹⁶ and reiterated in his letter dated 22 March 2006 to the

¹¹¹ S/2006/222.

¹¹² S/PV.5426, pp. 2-5.

¹¹³ At the 5427th meeting, held in private on 27 April 2006, members of the Council and the Prime Minister of Côte d'Ivoire had an exchange of views.

¹¹⁴ S/PRST/2006/20.

¹¹⁵ S/2006/222, submitted pursuant to resolution 1603 (2005).

¹¹⁶ S/2006/2.

President of the Council.¹¹⁷ He held that the disturbances in the country in January 2006 had attested to the need to reinforce UNOCI operational capabilities so that it could not only perform its original mandate more effectively, but also take up the new challenging tasks ascribed to it by the road map. The Secretary-General urged the Ivorian parties to take concrete measures to guarantee the freedom of movement and operations of all international personnel in Côte d'Ivoire and hoped that those committing attacks against the United Nations would be held personally accountable for their actions. He was also deeply concerned at the possible spillover of insecurity in Côte d'Ivoire into the subregion, particularly to Liberia.

At its 5442nd meeting, on 24 May 2006, the Council included in its agenda the above-mentioned eighth report of the Secretary-General on UNOCI¹¹⁸ and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Congo) then made a statement on behalf of the Council,¹¹⁹ by which the Council, *inter alia*:

Expressed its full support for the International Working Group and endorsed its seventh final communiqué, of 19 May 2006;

Called upon the community of donors to provide the necessary financial resources to the High Representative for the elections;

Reiterated its grave concern at the serious delay in the implementation of the road map;

Strongly condemned acts of violence against civilians and political leaders; demanded that all parties refrain from inciting violence and called on the authorities to identify and punish those responsible for the violence;

Urged all parties to cooperate closely with the Prime Minister to create the conditions for the holding of free, open and fair elections by 31 October 2006;

Underlined that targeted measures were to be imposed against persons blocking the implementation of the peace process.

**Decision of 2 June 2006 (5451st meeting):
resolution 1682 (2006)**

At its 5451st meeting, on 2 June 2006, the Council extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The

¹¹⁷ S/2006/184.

¹¹⁸ S/2006/222.

¹¹⁹ S/PRST/2006/23.

President (Denmark) drew the attention of the Council to a draft resolution,¹²⁰ as well as a letter dated 25 May 2006 from the Secretary-General to the President of the Council¹²¹ and a letter dated 22 May 2006 from the President of the Council to the Secretary-General.¹²²

The draft resolution was then put to the vote and adopted, unanimously and without debate, as resolution 1682 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized until 15 December 2006 an increase in the strength of UNOCI of up to 1,500 additional personnel, including a maximum of 1,025 military personnel and 475 civilian police personnel;

Expressed its intention to keep under review the appropriate personnel level of UNOCI, in the light of the situation in Côte d'Ivoire and in the subregion;

Decided to remain actively seized of the matter.

**Decision of 19 July 2006 (5491st meeting):
statement by the President**

At its 5491st meeting, on 19 July 2006, the Council included in its agenda a letter dated 12 July 2006 from the Secretary-General to the President of the Council¹²³ and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (France) then made a statement on behalf of the Council,¹²⁴ by which the Council, *inter alia*:

Urged all Ivorian parties to implement, in close liaison with the impartial forces, all their commitments made at the meeting held in Yamoussoukro on 5 July 2006 and to accelerate the implementation of the road map in order to create the conditions indispensable for the holding of free, open, fair and transparent elections by 31 October;

¹²⁰ S/2006/357.

¹²¹ S/2006/334, in which the Secretary-General appealed to the Council to expedite its decision on his recommendations for the strengthening of UNOCI so that the mission could effectively fulfil its mandate in support of the delicate processes of identification and disarmament in Côte d'Ivoire.

¹²² S/2006/345, in which the members of the Council requested the Secretary-General to begin, without delay, planning for the possible deployment of additional troops to reinforce UNOCI.

¹²³ S/2006/516, transmitting a communiqué issued at the high-level meeting on Côte d'Ivoire convened by the Secretary-General in Yamoussoukro on 5 July 2006.

¹²⁴ S/PRST/2006/32.

Called on the International Working Group to monitor the full implementation of the decisions taken by all Ivorian parties in Yamoussoukro and to report to it on its assessment in that regard;

Underlined that it was fully prepared to impose targeted measures against persons who were determined to be blocking the implementation of the peace process;

Requested the Secretary-General to report to it before the September meeting on the obstacles remaining to the implementation of the road map and on those responsible;

Expressed its full support for the International Working Group and endorsed its eighth final communiqué, of 23 June 2006;

Reiterated its full support for the Special Representative of the Secretary-General and the High Representative for the elections.

Decision of 7 August 2006 (5505th meeting): statement by the President

At the 5505th meeting, on 7 August 2006, in which the representative of Côte d'Ivoire was invited to participate, the President (Ghana) again drew the attention of the Council members to a letter dated 12 July 2006 from the Secretary-General to the President of the Council,¹²⁵ and to a second letter dated 26 July 2006.¹²⁶ He then made a statement on behalf of the Council,¹²⁷ by which the Council, inter alia:

Expressed its utmost concern and condemned the acts of violence committed by organized groups, in particular the Young Patriots, which had led to the deaths of civilians, and further condemned the attack of 24 July against the High Representative for the elections;

Condemned also the incidents of 15 July at the premises of Ivorian Radio and Television;

Called on the Ivorian authorities to strengthen security measures at Ivorian Radio and Television;

Demanded that the Defence and Security Forces of Côte d'Ivoire, including the Republican Guard, act within the law of the land at all times to ensure full security of the population;

Considered that it was necessary to deploy throughout the territory of Côte d'Ivoire as many mobile courts as possible.

¹²⁵ S/2006/516.

¹²⁶ S/2006/584, transmitting the communiqué issued by the International Working Group on Côte d'Ivoire following its ninth meeting, held in Abidjan on 20 July 2006.

¹²⁷ S/PRST/2006/37.

Decision of 14 September 2006 (5524th meeting): resolution 1708 (2006)

At its 5524th meeting, on 14 September 2006, the Council included in its agenda a letter dated 13 September 2006 from the Chairman of the Committee established pursuant to resolution 1572 (2004) to the President of the Council, transmitting the final report of the Group of Experts on Côte d'Ivoire.¹²⁸ In that report, the Group noted that while no evidence of gross violations of Security Council measures had been found, the Committee needed to urgently address a number of incidents that were believed to constitute violations. It held that the inspection process by UNOCI must be reviewed, cautioning that the monitoring system could be easily circumnavigated if there was a serious deterioration of the peace process in Côte d'Ivoire. While the targeting of three Ivorian individuals in February 2006 appeared at the time to have had a calming effect, the Group was concerned that the targeting of additional individuals by the Committee without effective monitoring and compliance systems in place by States neighbouring Côte d'Ivoire could be counterproductive.

The representative of Côte d'Ivoire was invited to participate in the discussion. The President (Greece) drew the attention of the Council to a draft resolution;¹²⁹ it was then put to the vote and adopted, unanimously and without debate, as resolution 1708 (2006), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to extend the mandate of the Group of Experts to 15 December 2006 and requested the Secretary-General to take the necessary administrative measures;

Requested the Group of Experts to submit a brief written update to the Council, before 1 December 2006, on the implementation of the measures imposed by resolutions 1572 (2004) and 1643 (2005) with recommendations in this regard; decided to remain actively seized of the matter.

Decision of 1 November 2006 (5561st meeting): resolution 1721 (2006)

On 17 October 2006, the Secretary-General submitted to the Council the tenth progress report on UNOCI.¹³⁰ In that report, the Secretary-General noted

¹²⁸ S/2006/735.

¹²⁹ S/2006/736.

¹³⁰ S/2006/821, submitted pursuant to resolution 1603 (2005).

that, in spite of some initial progress, implementation of the decisions taken at the Yamoussoukro high-level meeting he had convened on 5 July 2006¹³¹ had encountered deliberate obstruction by some political leaders, resulting in a new stalemate. The impasse emanated mainly from major disagreements among the Ivorian parties on fundamental issues concerning the procedures for issuing certificates of nationality and the related preparation of the voters' list. Consequently, the second transition period, like the previous one, was coming to a close without elections. In that context, the Secretary-General stressed that the African Union and the Security Council must capitalize and build upon the proposals made by the ECOWAS leaders concerning the way forward after the current transition period expired on 31 October 2006, and put in place the requisite measures to accelerate the peace process and guarantee the success of the anticipated new transition arrangements. He strongly believed that the duration of the new transition should be determined strictly on the basis of the time required to complete the disarmament, demobilization and reintegration process, to conduct effective identification, to dismantle the militias, to re-establish State authority throughout the country and to finalize the preparations for the elections. He considered it important to make clear to the Ivorian leaders that the envisaged further extension of the transition period should be the last. Should they fail to move towards the elections again, ECOWAS, the African Union and the Security Council should consider putting in place transitional governance arrangements comprising eminent, non-partisan personalities from civil society to complete the remaining transition processes and conduct the long-overdue elections.

To eliminate the existing loopholes and avoid previously encountered obstacles, the Secretary-General held that the Council ought to consider setting a number of ground rules and safeguards for the third transition period, as follows: (a) international instruments that set out the special arrangements for the transition period, such as Council resolutions and the various peace agreements, should take precedence where there might be a divergence with the Ivorian Constitution and national laws; (b) the Prime Minister should have the necessary authority over all relevant public offices and the Defence and Security Forces on all issues pertaining to the implementation of the road

map; (c) all commanders of the Defence and Security Forces and political leaders should be held personally responsible for activities that disrupted the implementation of the road map and be subject to the imposition of individual sanctions by the Council, with the more serious cases referred to the International Criminal Court; (d) all parties should allow the Ivorian population and the impartial forces complete freedom of movement throughout the country; (e) the Prime Minister should have full and unfettered authority to implement the disarmament, demobilization and reintegration programme, the identification process, the dismantling of the militias and the earliest re-establishment of State authority throughout the country, as well as to commit the necessary funds to ensure the implementation of those key processes; and (f) articles 35 and 48 of the Constitution of Côte d'Ivoire should not be invoked during the transition period in respect of those key processes.

With regard to the transition institutions, the Secretary-General stressed the importance of establishing, under the Prime Minister's authority, two task forces on the restructuring of the Defence and Security Forces and on the identification process. He recommended that the United Nations play an enhanced role in the Ivorian peace process and urged the Council to review the mandate of UNOCI and augment its resources. Concerning the electoral process, the Secretary-General underlined the need to ensure that the High Representative for the elections had the authority to make binding determinations on all issues pertaining to the electoral process and that his Office was sufficiently funded, including by assessed contributions. He highlighted that each stage of the Ivorian electoral process should be certified by the High Representative. Finally, noting that ECOWAS and the African Union could play an equally critical role in supporting the new transition process, the Secretary-General urged the two regional bodies to forge unity among the regional actors and mediators to ensure that all mediation efforts were harmonized and properly coordinated. He hoped that the planned summit of the African Union Peace and Security Council, having reviewed the concrete recommendations by the ECOWAS leaders, would come up with clear decisions on the way forward in Côte d'Ivoire in order to meet the various imperatives for an effective and expeditious implementation of the peace process.

¹³¹ See S/2006/516.

At its 5561st meeting,¹³² on 1 November 2006, the Council included in its agenda the above-mentioned report and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion.¹³³ The President (Peru) drew the attention of the Council to a draft resolution,¹³⁴ as well as a letter dated 18 October 2006 from the representative of the Congo to the President of the Council.¹³⁵

The draft resolution was then put to the vote and adopted, unanimously and without debate, as resolution 1721 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Endorsed the decision of the African Union Peace and Security Council that President Laurent Gbagbo should remain Head of State as from 1 November 2006 for a new and final transition period not exceeding 12 months;

Endorsed the decision of the Peace and Security Council to renew the mandate of the Prime Minister, Mr. Charles Konan Banny, as from 1 November 2006 for a new and final transition period not exceeding 12 months, and endorsed also the decision of the Peace and Security Council that the Prime Minister should not be eligible to stand for the presidential elections to be organized by 31 October 2007;

Demanded the immediate resumption of the programme for the disarmament and dismantling of militias throughout the national territory, stressed that the programme was a key element of the peace process, and underlined the individual responsibility of the leaders of the militias in the full implementation of this process; demanded that all the Ivorian parties concerned, in particular the armed forces of the Forces nouvelles and the armed forces of Côte d'Ivoire, participate fully and in good faith in the work of the quadripartite commission responsible for overseeing the implementation of the disarmament, demobilization and reintegration programme and the operations for the disarmament and dismantling of militias;

Demanded that all Ivorian parties end all incitement to hatred and violence, in radio and television broadcasting as well as in any other media, and urged the Prime Minister to establish

and implement without delay a code of conduct for the media, in conformity with the decisions taken in Yamoussoukro on 5 July 2006 and the decision of the Peace and Security Council;

Demanded that all Ivorian parties cooperate fully with the operations of UNOCI and the French forces which supported it.

Decision of 15 December 2006 (5591st meeting): resolution 1726 (2006)

On 4 December 2006, the Secretary-General submitted to the Council the eleventh progress report on UNOCI.¹³⁶ In that report, the Secretary-General noted that while it was welcomed in the subregion as a major step forward, resolution 1721 (2006) had received mixed reactions from the Ivorian parties. On the one hand, President Gbagbo had expressed the view that all the peace plans devised by the international community to date had failed and that the Ivorian people should therefore find their own solution to the crisis. Those remarks were generally considered as an attempt to walk away from resolution 1721 (2006). On the other hand, the Forces nouvelles and the opposition parties had welcomed the resolution, with the former saying that it had addressed their major concerns and the latter calling for a boycott of the consultations initiated by President Gbagbo aimed to find an alternative framework for addressing the crisis. For his part, the Prime Minister was determined to implement the resolution, stressing that there was no need for another framework to resolve the Ivorian crisis.

The Secretary-General maintained that resolution 1721 (2006) provided a sound framework, as well as the necessary tools and safeguards, for bringing the Ivorian peace process to a successful conclusion in the coming 12 months. He appealed to the four main Ivorian leaders to seize the opportunity offered by the final extension of the transition period, work together with the Prime Minister to build on the initial positive steps in the areas of disarmament, demobilization and reintegration, identification and the restoration of State authority, and make the hard compromises needed to take their country out of crisis. Mindful of the fact that the current transition period was expected to be completed by 31 October 2007, the Secretary-General recommended that the Council authorize the renewal of the mandate of UNOCI for an additional year, until 15 December 2007. While calling on the Council to approve his recommendations relating to the United Nations contribution in support of the key

¹³² At the 5555th meeting, held in private on 25 October 2006, the members of the Council heard a briefing by the Commissioner for Peace and Security of the African Union as well as a statement by the Minister for Foreign Affairs of Côte d'Ivoire.

¹³³ Côte d'Ivoire was represented by its Minister for Foreign Affairs.

¹³⁴ S/2006/854.

¹³⁵ S/2006/829, transmitting the communiqué adopted by the African Union Peace and Security Council at its 64th meeting, held in Addis Ababa on 17 October 2006 at the level of Heads of State and Government, on the situation in Côte d'Ivoire.

¹³⁶ S/2006/939, submitted pursuant to resolution 1603 (2005).

implementation processes, he also sought the support of the Council for an expanded presence of the civil affairs, political affairs, human rights and the rule of law components of UNOCI in the northern and western parts of the country to support the restoration of State administration in those areas. Finally, in view of the need to adjust the overall posture of the UNOCI military component and to enhance its role in maintaining overall security in the country, facilitating freedom of movement and protecting civilians, the Secretary-General urged the Council to approve the deployment of the remaining three battalions to UNOCI as recommended in his seventh report.¹³⁷ He noted in that regard that the Council could take advantage of the adjustment in the strength of UNMIL, in particular the envisaged departure of one battalion from that mission at the end of 2006, to reinforce UNOCI.

At its 5591st meeting, on 15 December 2006, the Council included in its agenda the eleventh progress report of the Secretary-General on UNOCI and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Qatar) drew the attention of the Council to a draft resolution;¹³⁸ it was then put to the vote and adopted, unanimously and without debate, as resolution 1726 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of UNOCI and of the French forces which supported it until 10 January 2007;

Decided to remain actively seized of the matter.

Decision of 15 December 2006 (5592nd meeting): resolution 1727 (2006)

At its 5592nd meeting, on 15 December 2006, the Council included in its agenda a letter dated 8 December 2006 from the Chairman of the Committee established pursuant to resolution 1572 (2004) to the President of the Council, transmitting the update report of the Group of Experts.¹³⁹ In that report, the Group documented violations of sanctions with regard to importation of arms, provision of military assistance, advice and training, embargo inspections, illicit diamond production and exports, and targeted measures on three Ivorians.

¹³⁷ S/2006/2.

¹³⁸ S/2006/981.

¹³⁹ S/2006/964.

The representative of Côte d'Ivoire was invited to participate in the discussion. The President (Qatar) drew the attention of the Council to a draft resolution;¹⁴⁰ it was then put to the vote and adopted, unanimously and without debate, as resolution 1727 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 31 October 2007 the provisions of paragraphs 7 to 12 of resolution 1572 (2004);

Reiterated that any attack or serious obstacle to the freedom of movement of UNOCI, the French forces, the High Representative for the elections and of the International Working Group constituted a threat to the peace and national reconciliation process, and requested the Secretary-General and the Government of France to report to it immediately any serious obstacle or attack; requested all States concerned to report to the Committee, within 90 days, on the actions they had taken to implement resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005);

Decided to extend the mandate of the Group of Experts for a further period of six months, and requested the Secretary-General to take the necessary administrative measures and appoint new members as necessary, in consultation with the Committee.

Decision of 21 December 2006 (5606th meeting): statement by the President

At its 5606th meeting, on 21 December 2006, the Council included in its agenda a letter dated 7 December 2006 from the Secretary-General to the President of the Council.¹⁴¹ The President (Qatar) then made a statement on behalf of the Council,¹⁴² by which the Council, *inter alia*:

Reiterated its full support for the International Working Group and shared its grave concern at delays in the implementation of resolution 1721 (2006);

Urged all Ivorian parties to cooperate fully with the Prime Minister in order to implement all the provisions of the road map; reiterated its full support for the Prime Minister, including his efforts to fight impunity and promote good governance, and to utilize all his powers to prepare for elections, which must be held by 31 October 2007 at the latest;

Invited the African Union mediator to visit Côte d'Ivoire to relaunch the peace process as soon as possible;

Requested the International Working Group to provide a detailed update on the timeline for the implementation of the

¹⁴⁰ S/2006/982.

¹⁴¹ S/2006/950, transmitting the communiqué issued by the International Working Group on Côte d'Ivoire following its 11th meeting, held in Abidjan on 1 December 2006.

¹⁴² S/PRST/2006/58.

peace process and all the recommendations needed for the consideration of the situation by ECOWAS and the African Union by 1 February 2007 at the latest;

Reiterated its full support for the Special Representative of the Secretary-General, the High Representative for the elections, and UNOCI as well as the French forces which supported it.

**Decision of 10 January 2007 (5617th meeting):
resolution 1739 (2007)**

At its 5617th meeting, on 10 January 2007, the Council again included in its agenda the eleventh progress report of the Secretary-General on UNOCI¹⁴³ and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Russian Federation) drew the attention of the Council to a draft resolution submitted by France;¹⁴⁴ it was then put to the vote and adopted, unanimously and without debate, as resolution 1739 (2007), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the mandates of UNOCI and of the French forces which supported it should be extended until 30 June 2007;

Decided to extend the provisions of paragraph 3 of resolution 1609 (2005) and of paragraph 2 of resolution 1682 (2006);

Authorized UNOCI to use all necessary means to carry out its mandate;

Requested UNOCI to carry out its mandate in close cooperation with UNMIL;

Authorized the French forces to use all necessary means in order to support UNOCI;

Called upon all parties to cooperate fully with the deployment and operations of UNOCI and of the French forces which supported it;

Decided to remain actively seized of the matter.

**Decision of 28 March 2007 (5651st meeting):
statement by the President**

At the 5651st meeting, on 28 March 2007, in which the representative of Côte d'Ivoire was invited to participate, the President (South Africa) drew the attention of the Council to a letter dated 13 March 2007 from the Secretary-General to the President of the

¹⁴³ S/2006/939.

¹⁴⁴ S/2007/8.

Council.¹⁴⁵ He then made a statement on behalf of the Council,¹⁴⁶ by which the Council, inter alia:

Endorsed the Ouagadougou Political Agreement of 4 March 2007 (S/2007/144) and called upon the Ivorian parties to implement it fully, in good faith and within the timetable set out in the Agreement;

Took note of the agreement among the parties on the institutional arrangements and supported the appointment of Mr. Guillaume Soro as Prime Minister; expressed its readiness to take further steps, in the light of the progress achieved, in order to help the parties in implementing their commitments and to support the peace process in Côte d'Ivoire, in particular the electoral process;

Requested the Secretary-General to submit to it recommendations by 15 May 2007 on the role that the United Nations should play to support the implementation of the peace process, taking into account the latest developments in Côte d'Ivoire.

Deliberations of 18 May 2007 (5676th meeting)

On 14 May 2007, the Secretary-General submitted to the Council the thirteenth progress report on UNOCI.¹⁴⁷ In that report, the Secretary-General noted that the Ivorian parties had met several key deadlines for the implementation of the Ouagadougou Political Agreement, including the establishment of the integrated command centre, the formation of a new Government led by Guillaume Soro as Prime Minister, the proclamation of an ordinance granting amnesty for certain crimes relating to national security and the start of the process of lifting the Zone of Confidence and establishing the green line. At the same time, mainly due to the limited capacity of national institutions, the parties were unable to meet the deadline for beginning the implementation of the more complex cluster of tasks consisting of the dismantling of the militias, the cantonment of combatants, the redeployment of State officials throughout the country and the launching of the mobile court hearings for the identification of the population.

¹⁴⁵ S/2007/144, transmitting the Ouagadougou Political Agreement signed on 4 March 2007 by Laurent Gbagbo, President of Côte d'Ivoire, Guillaume Soro, Secretary-General of the Forces nouvelles, and Blaise Compaoré, President of Burkina Faso and Chairman of ECOWAS, in his capacity as Facilitator.

¹⁴⁶ S/PRST/2007/8.

¹⁴⁷ S/2007/275, submitted pursuant to the statement by the President of 28 March 2007 (S/PRST/2007/8).

Noting that the Ouagadougou Political Agreement seemed to have created a widespread impression that the signatories were seeking a limited role for the United Nations in the peace process, the Secretary-General reported the findings of a United Nations technical assessment mission that had recently visited Côte d'Ivoire to clarify the future role of the United Nations. The mission concluded that all national and international stakeholders had stressed the need for continued United Nations assistance for the Ivorian peace process and that no Ivorian leaders had called for the withdrawal of UNOCI. However, the Ivorian parties had divergent views regarding the role of the United Nations in the electoral process, particularly with regard to the certification and arbitration roles of the High Representative for the elections. While the Prime Minister and the opposition parties held that the role of the United Nations in the electoral process should remain unchanged since the issue was not addressed by the Ouagadougou Political Agreement, President Gbagbo maintained his objection to the arbitration role and other functions of the High Representative for the elections as defined in resolution 1721 (2006), only accepting the United Nations responsibility for international certification of the electoral process.

The Secretary-General recommended that the United Nations should adjust its role in Côte d'Ivoire to effectively support the new phase of the peace process. He held that the drawdown of the military component of UNOCI should not begin at the current stage but that the priority should be to deploy the UNOCI troops to each of the 17 cantonment sites to supervise and support the disarmament and demobilization process and the storage of weapons. Once the disarmament, demobilization and reintegration process and the restoration of State administration throughout the country were completed, UNOCI would conduct a review of its troop levels and determine the military resources required to support the remaining tasks. He held that the completion of the presidential election and the installation of the elected Government would be the next key benchmarks that should trigger the beginning of the withdrawal of UNOCI. As such, it was recommended that the mandate of the mission be extended for a further period of six months, until December 2007. With regard to the police component of UNOCI, the Secretary-General noted that the United Nations police would deploy to two new locations in the north while one formed police

unit would be redeployed from Abidjan to Boundiali, in the north-west, to provide security for the increased number of United Nations police as well as other UNOCI personnel and equipment to be deployed to the north. In addition, UNOCI would deploy more personnel of its civilian component in the north and west to support the disarmament, demobilization and reintegration programme and the restoration of State administration in those areas. On the role of the High Representative for the elections, the Secretary-General urged the Council to consider entrusting the certification role to his Special Representative who should be assisted in that regard by a small unit, separate from the UNOCI electoral component and consisting of up to three staff.

In closing, the Secretary-General observed that, while the advent of the Ouagadougou Political Agreement had taken the Ivorian peace process to a unique turning point, the political will alone would not sustain the peace process. The Ivorian authorities would need the assistance of the United Nations and other international partners to develop the capacity of the main national institutions involved in the implementation of the Agreement, especially the newly formed integrated command centre. In that regard, the Secretary-General underlined that the international partners should provide the necessary support and advice to ensure that the peace process was conducted in accordance with internationally accepted standards. This would require regular consultations with the parties, he stated, urging the parties and the Facilitator to involve the international partners in the monitoring and evaluation mechanisms for the agreement.

At its 5676th meeting, on 18 May 2007, in which the representative of Côte d'Ivoire was invited to participate, the Council included the above-mentioned report in its agenda and heard a statement by the Minister of National Security of Burkina Faso. Speaking on behalf of President Blaise Compaoré, the Facilitator of the inter-Ivorian dialogue, the Minister welcomed the Council's endorsement of the Ouagadougou Political Agreement through its presidential statement of 28 March 2007.¹⁴⁸ He asserted that the Agreement marked a real turning point in the process of emerging from the crisis in Côte d'Ivoire. To further promote the peace process, he informed the Council that the Facilitator had agreed

¹⁴⁸ S/PRST/2007/8.

with the parties to appoint a special representative in Abidjan and had also been considering the establishment of two advisory bodies to support the Evaluation and Monitoring Committee. One would be national in nature with the aim to provide information and hear the views and suggestions of other components of Ivorian society. The other would be of an international nature, with a view to enabling all partners involved in the process of ending the crisis to carry out follow-up and support for the follow-up. The Minister stated that the Facilitator hoped that the Council would support the establishment of the two planned bodies. He recalled that the Facilitator had urged the United Nations to continue to provide technical and financial support to the Ivorian peace process until the end of the crisis. He noted that the Facilitator was in support of the certification role by the United Nations in the electoral process to be played under the responsibility of the Special Representative of the Secretary-General for Côte d'Ivoire. Finally, he cautioned that while the Ivorian peace process was currently well under way, it could prove vulnerable. As such, the Facilitator should continue to be supported by the international community so that he could assist the Ivorian people until the holding of free, democratic, open and transparent presidential elections.¹⁴⁹

¹⁴⁹ S/PV.5676, pp. 2-4.

**Decision of 20 June 2007 (5700th meeting):
resolution 1761 (2007)**

At its 5700th meeting, on 20 June 2007, the Council included in its agenda a letter dated 11 June 2007 from the Chairman of the Committee established pursuant to resolution 1572 (2004) to the President of the Council, transmitting the report of the Group of Experts.¹⁵⁰ In that report, it was noted that no gross violations of the sanctions had been found, but that the inspections carried out by the experts and the impartial forces had been hindered by the reticence of certain Ivorian stakeholders, particularly the Government's Defence and Security Forces, who had questioned the need to verify the implementation of the embargo in the light of the new framework for peace and reconciliation between the two warring parties. Meanwhile, the experts had confirmed the lack of transparency surrounding the management of the most lucrative industries, such as petroleum and cocoa, but obtained no specific information on possible violations of the embargo imposed on diamond exports.

The President (Belgium) drew the attention of the Council to a draft resolution,¹⁵¹ it was then put to the vote and adopted, unanimously and without debate, as resolution 1761 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of the Group of Experts, as set out in resolution 1727 (2006), until 31 October 2007, and requested the Secretary-General to take the necessary administrative measures.

**Decision of 29 June 2007 (5711th meeting):
resolution 1763 (2007)**

At its 5711th meeting, on 29 June 2007, the Council again included in its agenda the thirteenth progress report of the Secretary-General on UNOCI¹⁵² and extended invitations to the representatives of Burkina Faso and Côte d'Ivoire to participate in the discussion. The President (Belgium) drew the attention of the Council to a draft resolution;¹⁵³ it was then put to the vote and adopted, unanimously and without debate, as resolution 1763 (2007), by which the Council, acting under Chapter VII of the Charter,

¹⁵⁰ S/2007/349; the report was submitted pursuant to paragraph 7 (e) of resolution 1727 (2006).

¹⁵¹ S/2007/370.

¹⁵² S/2007/275.

¹⁵³ S/2007/389.

inter alia, decided that the mandate of UNOCI and of the French forces which supported it should be extended until 16 July 2007.

**Decision of 29 June 2007 (5712th meeting):
statement by the President**

At its 5712th meeting, on 29 June 2007, the Council extended invitations to the representatives of Burkina Faso and Côte d'Ivoire to participate in the discussion. The President (Belgium) then made a statement on behalf of the Council,¹⁵⁴ by which the Council, inter alia:

Condemned the attack committed on 29 June 2007 in Bouaké against the Prime Minister of Côte d'Ivoire;

Stressed that the perpetrators of this criminal act must be brought to justice;

Recalled its support for the political agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007;

Stressed that it was critical that all parties continued to work within the framework of the Ouagadougou Political Agreement, which was the way to settle the crisis in Côte d'Ivoire.

**Decision of 16 July 2007 (5716th meeting):
resolution 1765 (2007)**

At its 5716th meeting, on 16 July 2007, the Council again included in its agenda the thirteenth progress report of the Secretary-General on UNOCI¹⁵⁵ and extended invitations to the representatives of Burkina Faso and Côte d'Ivoire to participate in the discussion. The President (China) then drew the attention of the Council to a draft resolution;¹⁵⁶ it was put to the vote and adopted, unanimously and without debate, as resolution 1765 (2007), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the mandate of UNOCI and of the French forces which supported it should be extended until 15 January 2008;

Endorsed the recommendations of the report of the Secretary-General dated 14 May 2007 and requested UNOCI, within its existing resources, to support the full implementation of the Ouagadougou Political Agreement; called upon all concerned parties to ensure that the protection of women and

children was addressed in the implementation of the Ouagadougou Political Agreement;

Decided to terminate the mandate of the High Representative for the elections;

Decided therefore that the Special Representative of the Secretary-General for Côte d'Ivoire should certify that all stages of the electoral process provided all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards, and requested the Secretary-General to take all the necessary steps so that the Special Representative had at his disposal a support cell providing him all the appropriate assistance to fulfil this task;

Supported the establishment of an international consultative organ to accompany the Ivorian political forces and the Facilitator in the implementation of the Ouagadougou Political Agreement.

**Deliberations of 22 October 2007
(5765th meeting)**

On 1 October 2007, the Secretary-General submitted to the Council the fourteenth progress report on UNOCI.¹⁵⁷ In that report, he noted that the security situation in Côte d'Ivoire had remained generally calm since the signing of the Ouagadougou Political Agreement on 4 March 2007. While the situation in the volatile west of the country continued to improve, that in the north became increasingly insecure owing to the continued absence of the national law enforcement agencies and a functioning justice system. The Secretary-General expressed deep concern at the 29 June 2007 attack on the Prime Minister, which created tensions and undermined the positive atmosphere engendered by the Ouagadougou Political Agreement. However, the Secretary-General observed that the overall political atmosphere in Côte d'Ivoire had remained positive, making it possible for the Ivorian parties to achieve some concrete progress on the ground.

The Secretary-General noted that the implementation of the Ouagadougou Political Agreement started losing momentum in June, mainly because of the limited capacity of national institutions in charge. As a result, no progress had been made in unifying the Defence and Security Forces of Côte d'Ivoire and the Forces nouvelles, and the implementation of various key tasks had been

¹⁵⁴ S/PRST/2007/25.

¹⁵⁵ S/2007/275.

¹⁵⁶ S/2007/430.

¹⁵⁷ S/2007/593, submitted pursuant to resolution 1765 (2007).

significantly delayed, particularly with regard to the dismantling of the militias, the disarmament, demobilization and reintegration programme, the restoration of State administration throughout the country, the identification of the population and the registration of voters. Deeply worried about the consequences of a slackening of momentum in the peace process, the Secretary-General urged the Prime Minister and President Gbagbo to take the necessary measures to move forward with the implementation of the Agreement. The Secretary-General expressed concern at the continuing human rights violations in the country, which were characterized by abuses inflicted on civilians by the Defence and Security Forces and Forces nouvelles elements. He stressed that the leadership of the two forces had an obligation to address those problems and to ensure discipline among their personnel. He urged the Government to dismantle the militias in the west and in Abidjan without further delay, and to enforce the law against the leaders and members of the so-called student groups that intimidated and carried out acts of violence against civilians, civil society organizations and United Nations personnel and property. Finally, noting that the two benchmarks identified in his thirteenth report on UNOCI,¹⁵⁸ namely the completion of the disarmament and demobilization process and the restoration of State administration throughout the country, had yet to be met, the Secretary-General recommended that the troop levels of UNOCI be maintained at current levels, with a view to conducting a further review in that regard in his next report on UNOCI.

At its 5765th meeting, on 22 October 2007, the Council included in its agenda the fourteenth progress report of the Secretary-General on UNOCI¹⁵⁷ and heard briefings by the Principal Deputy Special Representative of the Secretary-General for UNOCI and the Minister for Foreign Affairs of Burkina Faso, following which all Council members and the representative of Côte d'Ivoire made statements.¹⁵⁹

The Principal Deputy Special Representative affirmed that the overall security situation in Côte d'Ivoire remained generally stable and that the continued commitment of the Ivorian leaders to take ownership of the peace process had yielded some progress in the implementation of the key tasks

provided for in the Ouagadougou Political Agreement. For its part, UNOCI continued to provide logistical, technical and security support to the Ivorian parties in implementing the key aspects of the Ouagadougou Political Agreement. The mission was finalizing the establishment of a certification cell within the Office of the Special Representative of the Secretary-General and practical modalities for the certification of the electoral process were expected to be defined soon. The Principal Deputy Special Representative held that restructuring the Ivorian armed forces remained a crucial task. To help address the problem, the Facilitator intended to submit, in the near future, concrete proposals to President Gbagbo and the Prime Minister related to the issue of ranks and quotas for Forces nouvelles elements that would be part of the unified army. He observed that the very positive partnership between the United Nations and the Facilitator, as well as the recent appointment in Abidjan of the Facilitator's Special Representative, constituted encouraging prospects for accelerating the process of implementing the Ouagadougou Political Agreement. He added that efforts were under way to develop synergy between the Facilitator's arbitration and the validation of UNOCI and certification functions to define criteria for ensuring the effective performance of those functions.¹⁶⁰

Speaking on behalf of President Blaise Compaoré of Burkina Faso, the Facilitator of the Ouagadougou Political Agreement, the Minister for Foreign Affairs of Burkina Faso observed that the Agreement had led to a fundamental change in the political situation in Côte d'Ivoire where military and political tensions had given way to a genuine dialogue. The Minister noted that despite the multiple difficulties in implementing the Ouagadougou Political Agreement, the Facilitator continued to have faith in the Ivorian parties and their ability to overcome their differences to consolidate peace and national reconciliation. In that respect, he stated that the signatories had agreed to establish an institutional framework to implement the Ouagadougou Political Agreement according to the agreed timeline covering the period from March to December 2008.¹⁶¹

In the subsequent discussion, the Council members commended President Compaoré for his tireless efforts at facilitating the implementation of the

¹⁵⁸ S/2007/275.

¹⁵⁹ France was represented by the Secretary of State for Cooperation and la Francophonie.

¹⁶⁰ S/PV.5765, pp. 2-4.

¹⁶¹ *Ibid.*, pp. 4-6.

Ouagadougou Political Agreement. They reiterated their full support for the Agreement, which constituted a real chance for Côte d'Ivoire to emerge from the crisis. Stressing that the United Nations continued to have an important role to play in the Ivorian peace process, they hoped that the newly appointed Special Representative of the Secretary-General for Côte d'Ivoire would give a new impetus to the peace process.

Many members voiced concern at the delays in meeting key deadlines provided for in the Agreement, particularly with regard to the disarmament, demobilization and reintegration process, the disarmament and dismantling of militias, the identification of the population, the registration of voters and the restoration of State administration throughout the country.¹⁶² Several were worried about the resultant significant slackening in the momentum to implement the Agreement.¹⁶³ However, the representative of South Africa remained optimistic about the peace process, noting that all Ivorian parties had demonstrated the political will to abide by the agreed-upon time frames. He was supportive of the remarks of the Prime Minister that preserving the credibility of the electoral process was more important than adhering to strict deadlines.¹⁶⁴ On the way forward, some underlined the urgent need to resolve the question of ranks and numbers of the Forces nouvelles expected to join the unified national army,¹⁶⁵ while others attached great importance to the holding of free, fair and open elections, including by ensuring a credible and inclusive identification and registration process through mobile court hearings.¹⁶⁶ In the light of the daunting challenges ahead, many supported the Secretary-General's recommendations on preserving the current mandate and troop levels of UNOCI.¹⁶⁷

¹⁶² Ibid., p. 7 (France); p. 10 (United Kingdom); p. 12 (Belgium, Indonesia); p. 13 (Congo); p. 15 (Qatar); and p. 18 (Ghana).

¹⁶³ Ibid., p. 8 (South Africa); p. 9 (Peru); p. 10 (Slovakia); and p. 11 (Russian Federation).

¹⁶⁴ Ibid., p. 8.

¹⁶⁵ Ibid., p. 7 (France); p. 15 (United States); p. 16 (Panama); and p. 18 (Ghana).

¹⁶⁶ Ibid., p. 7 (France); p. 10 (United Kingdom, Slovakia); and p. 15 (United States).

¹⁶⁷ Ibid., p. 7 (France); p. 9 (Peru); p. 11 (Slovakia, Russian Federation); p. 13 (Indonesia); p. 14 (Congo); and p. 18 (Ghana).

Many members drew particular attention to the disturbing human rights situation in Côte d'Ivoire, including reports of human trafficking.¹⁶⁸ The representative of Panama observed that the intervention of the International Criminal Court could be an important way to fight impunity in Côte d'Ivoire and he regretted the fact that the Government had "shown resistance" to a possible mission of the Court.¹⁶⁹ However, the representative of Côte d'Ivoire held that allegations of human rights violations in his country in the Secretary-General's report were not based on facts that could be verified by all. He solemnly requested UNOCI staff to be stricter when drafting the Secretary-General's reports, "as these reports involve the reputation of a State and of an entire people who are ready to correct their weaknesses".¹⁷⁰

As to sanctions, the representative of Slovakia said he hoped that the available measures would be fully implemented to promote stability in Côte d'Ivoire.¹⁷¹ Similarly, the representative of Qatar noted that the arms embargo and targeted sanctions imposed by the Council should be adhered to.¹⁷² For his part, the representative of Côte d'Ivoire recalled that the Ouagadougou Political Agreement had explicitly requested the Council to immediately lift the individual sanctions imposed on actors in the Ivorian crisis and that the two signatories had requested an immediate special authorization to import the light weapons necessary to maintain public order and security. However, he noted that almost eight months after the Agreement was signed, none of the measures expected of the United Nations in support of its implementation had been taken. On the contrary, an outdated draft resolution for the extension of sanctions for another year was being circulated despite the dramatic changes on the ground since the sanctions regime had been adopted in 2005.¹⁷³

The representatives of China and Panama urged the international community, the United Nations and regional organizations to continue to support the

¹⁶⁸ Ibid., p. 9 (Peru); p. 10 (United Kingdom); p. 11 (Slovakia); p. 12 (Belgium); p. 13 (Indonesia); p. 15 (United States); p. 16 (Qatar); and pp. 16-17 (Panama).

¹⁶⁹ Ibid., p. 17.

¹⁷⁰ Ibid., p. 19.

¹⁷¹ Ibid., p. 11.

¹⁷² Ibid., p. 16.

¹⁷³ Ibid., p. 19.

Ivorian peace process.¹⁷⁴ The representative of Côte d'Ivoire called for an "innovative interpretation of Chapter VIII of the Charter" so that the three African members on the Council could be allowed to initiate draft resolutions on Côte d'Ivoire. Asking why France was "so intent on hounding Côte d'Ivoire and some of its political actors", the representative, citing remarks made by the Chairperson of the African Union at a Council meeting on 25 September 2007, stressed that the international partners "must let Africans run their own business" and that while financing is important, it does not justify unbridled intervention or conduct.¹⁷⁵

**Decision of 29 October 2007 (5772nd meeting):
resolution 1782 (2007)**

At its 5772nd meeting, on 29 October 2007, the Council included in its agenda a letter dated 17 October 2007 from the Chairman of the Committee established pursuant to resolution 1572 (2004) to the President of the Council,¹⁷⁶ transmitting the report of the Group of Experts. In that report, the Group noted that it had observed a lack of understanding on the part of certain Ivorian political authorities as to the Group's mission in the light of the ongoing reconciliation process. The Group also noted the discrepancy between the weapons lists provided by the Defence and Security Forces of Côte d'Ivoire and the Forces nouvelles and their real capacities. The Group confirmed the lack of transparency in the management of revenue in the coffee and cocoa and hydrocarbon sectors. The Group continued its investigation into possible violations of the embargos on diamond exports, uncovering evidence of persistent activity in the Tortiya and Séguéla mining areas and confirmation of the use of Malian smuggling rings to move Ivorian diamonds out of the country.

The representative of Côte d'Ivoire was invited to participate in the discussion. The President (Ghana) drew the attention of the Council to a draft resolution submitted by France;¹⁷⁷ it was then put to the vote and adopted, unanimously and without debate, as resolution 1782 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to renew until 31 October 2008 the provisions of paragraphs 7 to 12 of resolution 1572 (2004) and of paragraph 6 of resolution 1643 (2005);

Also decided to review the measures imposed by resolution 1572 (2004) in particular its paragraphs 7, 9 and 11 and by paragraph 6 of resolution 1643 (2005);

¹⁷⁴ *Ibid.*, p. 14 (China); and p. 16 (Panama).

¹⁷⁵ *Ibid.*, pp. 19-20. See also S/PV.5749, p. 17.

¹⁷⁶ S/2007/611; the report was submitted pursuant to paragraph 2 of resolution 1761 (2007).

¹⁷⁷ S/2007/633.

Demanded in particular that the Ivorian authorities put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004) including those violations mentioned by the Group of Experts in its report dated 21 September 2007;

Decided that any serious obstacle to the freedom of movement of UNOCI and of the French forces which supported it, or any attack or obstruction of the action of UNOCI, of the French forces, of the Special Representative of the Secretary-General, of the Facilitator mentioned in paragraph 10 of resolution 1765 (2007) or his Special Representative in Côte d'Ivoire should constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

Also decided to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2008.

14. Items relating to West Africa

A. Cross-border issues in West Africa

Initial proceedings

Decision of 25 March 2004 (4933rd meeting): statement by the President

At its 4933rd meeting, on 25 March 2004, the Security Council adopted the item entitled "Cross-border issues in West Africa" and included in its agenda the report of the Secretary-General dated 12 March 2004 on ways to combat subregional and cross-border problems in West Africa.¹

In his report, the Secretary-General stressed that the various cross-border problems facing West Africa were interlinked and that none of them could be solved at the national level alone, but rather required a regional approach. To that end, the Secretary-General presented a number of practical recommendations, including by increasing harmonization among the United Nations actors in the subregion, strengthening the Economic Community of West African States (ECOWAS) secretariat and implementing the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, promoting disarmament, demobilization and reintegration, encouraging security sector reform,

reducing extortion at roadblocks and "naming and shaming" parties who contravened humanitarian norms and international law. The Secretary-General called for a fundamental change in the long-standing political approach that had prevailed in the region and promoted authoritarianism. He emphasized that preventing abuse by State and non-State actors and ensuring respect for the rights and security of the peoples living in all parts of the region must be central to any strategy to ensure stability and development in West Africa. In conclusion, the Secretary-General stressed the need for the regional and international community to provide targeted assistance to national Governments of the region and respond at an earlier stage to governance and humanitarian crises and hoped that the Council would act upon his recommendations.

The Council heard briefings by the Secretary-General, the Minister for Foreign Affairs of Ghana, in his capacity as Chairman of ECOWAS, the Executive Secretary of ECOWAS, the Under-Secretary-General for Humanitarian Affairs and the Associate Administrator of the United Nations Development Programme (UNDP). Following the briefings, statements were made by all

¹ S/2004/200, submitted pursuant to the statement by the President of 25 July 2003 (S/PRST/2003/11).

members of the Council,² as well as by the representatives of Ireland (on behalf of the European Union)³ and Japan.

In his briefing, the Secretary-General reiterated that the recommendations contained in his report could not be carried out solely on a country-by-country basis, but that their implementation would require a multifaceted regional approach. Special attention should be paid to the proliferation of small arms, the illegal exploitation of natural resources and the use of child soldiers and mercenaries, as well as to roadblocks. The Secretary-General observed that the root causes of the region's problems were linked above all to questions of governance, human rights and transparency. He cautioned that should authoritarianism and the culture of violence, exclusion and impunity remain, possible progress made in addressing those cross-border problems would likely be temporary and fragile at best. Therefore, he urged Governments of the region to establish solidly democratic institutions and effective regional organizations.⁴

While noting the fact that the United Nations Office for West Africa (UNOWA) had failed to fully consult with ECOWAS member States or its secretariat in preparing the Secretary-General's report, the Minister for Foreign Affairs of Ghana and Chairman of ECOWAS underlined the need to develop a comprehensive approach to address the many interlinked root causes of cross-border problems. He noted that ECOWAS believed that the best solution was to find a way to restore peace to the entire region and added that it had identified some potential destabilizing factors, including a sudden and total withdrawal of the United Nations Mission in Sierra Leone (UNAMSIL).⁵

The Executive Secretary of ECOWAS concurred that a regional approach was required to address cross-border problems, notably the upsurge in the use of mercenaries and child soldiers, the proliferation of

small arms and extortion at roadblocks. He found the Secretary-General's recommendations to be useful and appropriate for collective action by the international community and considered the successful disarmament, demobilization, resettlement and reintegration processes in Liberia and Côte d'Ivoire to be critical in addressing the proliferation of small arms in the region. He hoped that the drawdown of UNAMSIL would be aligned with the duration of the United Nations missions in Liberia and Côte d'Ivoire.⁶

The Under-Secretary-General for Humanitarian Affairs observed that humanitarian and human rights efforts alone usually were insufficient in providing protection to vulnerable groups in armed conflict and welcomed the fact that the Council was willing and able to take additional measures to protect civilians. He emphasized the need to forge closer links at the regional level between humanitarian, political and economic actors so as to better coordinate and implement disarmament, demobilization and reintegration programmes. He called for a more comprehensive approach to deal with the underlying root causes, such as poverty, a lack of good governance and the rule of law, and considered that the implementation of the main recommendations of the Secretary-General would contribute significantly to addressing primary humanitarian concerns.⁷

Affirming that UNDP had been addressing the development dimension of crisis and conflict up front by mainstreaming prevention and peacebuilding in its development work, the Associate Administrator of UNDP stated that UNDP had developed an integrated regional development strategy for West Africa, in addition to carrying out initiatives to address specific problems related to cross-border issues that included support for disarmament, demobilization and reintegration and small-arms programmes in the region. He stressed the importance of adopting a holistic approach that would closely link peacebuilding and development and held the view that "new and innovative" regional approaches to development, such as a subregional poverty reduction strategy, could help the international community to attain its common objectives in West Africa.⁸

² Benin was represented by its Minister for Foreign Affairs and African Integration.

³ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁴ S/PV.4933, pp. 2-3.

⁵ Ibid., pp. 3-7.

⁶ Ibid., pp. 7-9.

⁷ Ibid., pp. 10-11.

⁸ Ibid., pp. 11-12.

In the subsequent discussion, speakers generally agreed that a regional approach was required to deal with cross-border problems in West Africa. They welcomed and endorsed the action-oriented recommendations contained in the Secretary-General's report and noted their readiness to further study how to implement the recommendations. In that context, most speakers highlighted the need to enhance coordination among the United Nations missions in the region,⁹ while several also positively reacted to the Secretary-General's recommendation on joint border patrols by those missions.¹⁰ On the other hand, while concurring with the need for a more effective use of United Nations assets across the region, the representative of the United Kingdom observed that sharing resources across missions and across borders risked confusing mission mandates and potentially disrupting the lines of command and control. He stressed that these potential difficulties had to be tackled and overcome so that a regional approach by the United Nations interventions could be put in place.¹¹ The representative of the Russian Federation cautioned that the coordinated actions of United Nations forces in the subregion should be taken with due diligence so as not to violate the sovereignty of individual States or the mandates of specific missions.¹² At the same time, many speakers called for strengthening cooperation between the United Nations and regional and subregional organizations, including ECOWAS and the Mano River Union.¹³ The representative of Chile explicitly pointed out that regional and subregional organizations should be more involved in tackling cross-border problems "within the framework of Chapter VIII of the Charter".¹⁴

A number of speakers attached importance to the successful conduct of disarmament, demobilization and

reintegration and security sector reform programmes in Sierra Leone, Liberia and Côte d'Ivoire.¹⁵ Many speakers held that the proliferation of small arms and child soldiers needed to be curbed by strengthening existing regional and national mechanisms, such as transforming the ECOWAS Moratorium into a legally binding instrument.¹⁶ Several speakers noted that development was a fundamental issue that must be given particular attention in order for a lasting peace to be achieved in the region.¹⁷

The representative of Algeria believed that cross-border problems in West Africa needed to be considered as "threats to international peace and security under the meaning of Chapter VII of the Charter, and treated as such".¹⁸ He urged the Council to adopt a long-term view to fight those problems. The representative was also of the view that illegal exploitation of natural resources should be included on the list of cross-border problems identified by the Secretary-General. The representative of the United Kingdom echoed the need to tackle the use and misuse of West Africa's rich natural resources.¹⁹ Similarly, as one of a few ideas to be added to the Secretary-General's report, the representative of France proposed that the countries of the region be assisted in strengthening their control over their natural resources through the support of United Nations peacekeeping operations and other mechanisms.²⁰ The representative of Pakistan considered that, given the established linkage between the illegal exploitation of natural resources and the fuelling of conflicts in West Africa, both the supply and the demand sides of the illegally exploited natural resources should be in the scope of sanctions. Therefore, he urged that "naming and shaming" and sanctions be applied to all those who were involved in illicit activities.²¹

⁹ Ibid., p. 12 (Brazil); p. 13 (Spain); p. 16 (Philippines); p. 17 (Germany); p. 20 (China); p. 22 (Pakistan); p. 23 (Russian Federation); p. 24 (United States); p. 26 (Algeria); p. 28 (Romania); p. 29 (Chile); pp. 31-32 (Ireland, on behalf of the European Union); and p. 33 (Japan).

¹⁰ Ibid., p. 17 (Germany); p. 20 (China); p. 24 (United States); and p. 28 (Romania).

¹¹ Ibid., p. 18.

¹² Ibid., p. 23.

¹³ Ibid., pp. 15-16 (Philippines); p. 18 (United Kingdom); pp. 19-20 (China); p. 26 (Algeria); pp. 27-28 (Romania); p. 30 (France); and p. 32 (Ireland, on behalf of the European Union).

¹⁴ Ibid., p. 29.

¹⁵ Ibid., p. 14 (Spain); p. 16 (Philippines); p. 19 (China); p. 21 (Angola); pp. 24-25 (United States); p. 30 (France); and p. 33 (Japan).

¹⁶ Ibid., p. 14 (Spain); p. 16 (Philippines); p. 17 (Germany); pp. 18-19 (United Kingdom); pp. 20-21 (Angola); pp. 25-26 (Algeria); p. 28 (Romania); and p. 32 (Ireland, on behalf of the European Union).

¹⁷ Ibid., p. 13 (Brazil); p. 15 (Benin); p. 20 (China); p. 22 (Pakistan); and p. 33 (Japan).

¹⁸ Ibid., p. 27.

¹⁹ Ibid., p. 19.

²⁰ Ibid., p. 30.

²¹ Ibid., p. 23.

At the end of the meeting, the President (France) made a statement on behalf of the Council,²² by which the Council, *inter alia*:

Requested the Secretary-General to encourage the United Nations missions in West Africa to share information and their logistics and administrative resources in order to increase their effectiveness and reduce costs;

Stressed the importance of a regional approach in the preparation and implementation of demobilization, disarmament and reintegration programmes;

Urged States in the region to promote the conditions for the safe return of refugees;

Urged ECOWAS member States to fully implement the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa and to take all steps to better combat trafficking in small arms and light weapons;

Called on the Mano River Union States to resume dialogue and consider a summit of Heads of State to develop a common approach to their shared security issues and confidence-building measures;

Urgently called on donor countries and financial institutions to coordinate efforts to support ECOWAS in their efforts to reform the security sector.

Decision of 25 February 2005 (5131st meeting): statement by the President

At its 5131st meeting, on 25 February 2005, the Council included in its agenda the progress report of the Secretary-General dated 11 February 2005 on ways to combat subregional and cross-border problems in West Africa.²³ In his report, the Secretary-General observed that despite progress made in several States in West Africa, the subregion continued to be acutely vulnerable and that much remained to be done in order to achieve lasting peace. He noted with satisfaction the growth of a constructive partnership among the United Nations system, development partners and ECOWAS, as well as some of the Governments, civil society organizations and local communities in West Africa, but stressed that redoubled and better targeted efforts in many other areas could contribute more effectively to conflict prevention and peacebuilding in the subregion. In that regard, the Secretary-General called on ECOWAS member States to convert the moratorium on small arms and light weapons into a legally binding instrument at the earliest opportunity. While

commending the progress in the implementation of disarmament, demobilization and reintegration in Sierra Leone and Liberia, he cautioned that that process could not be successful without adequate funding for the reintegration and rehabilitation of ex-combatants. The Secretary-General underlined the vital importance of reducing the shocking levels of youth unemployment in the subregion. He also urged development partners to fund cross-border support services to alleviate the dire humanitarian situation in many parts of the subregion, particularly in those sensitive border areas affected by conflict whose population were at risk from a variety of cross-border problems. Finally, noting that security sector reform was an especially pressing priority for West Africa as a key tool for conflict prevention, he requested that a regionally integrated security sector reform programme be produced by UNOWA, in consultation with its partners in West Africa, before the end of 2005. In conclusion, the Secretary-General affirmed that while the primary responsibility for promoting peace in the region rested with West African leaders and communities themselves, the United Nations would continue to support endeavours towards a better future for the people of West Africa.

The Council heard briefings by the Secretary-General and his Special Representative for West Africa, as well as by the Special Adviser on Child Protection to the Executive Secretary of ECOWAS. In addition to all members of the Council, the representatives of Burkina Faso, Côte d'Ivoire, Guinea, Luxembourg (on behalf of the European Union),²⁴ Mali, the Niger, Nigeria (on behalf of the Group of African States) and Sierra Leone also made statements.

In his introductory remarks, the Secretary-General expressed concern that West Africa continued to face grave security challenges. He pointed out in that respect the issues of volatile border areas, a disturbing shortfall in the funding for security sector reform and disarmament, demobilization and reintegration programmes and high youth unemployment levels. He recalled that in his report he had highlighted areas that required immediate and longer-term action and maintained that the recommendations contained therein were directed at a

²² S/PRST/2004/7.

²³ S/2005/86.

²⁴ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

wide range of players, including the Security Council and other parts of the United Nations system, bilateral and multilateral development partners, the secretariat of ECOWAS, individual Member States and civil society organizations. He welcomed the recent efforts of ECOWAS and its members to address the complex challenges facing the region, as well as the constructive partnership emerging among ECOWAS, the United Nations system and other relevant actors.²⁵

The Special Representative of the Secretary-General for West Africa observed that the collective action by the international community in West Africa faced three broad challenges. With respect to the institutional challenge, he stressed that institutional collaboration among the United Nations entities in West Africa, as well as that between the United Nations and other partners in the subregion, especially ECOWAS, West African States and civil society, should be further strengthened. On the methodological challenge, he underlined the need to prioritize issues, areas and objectives, stating that the current key priorities included issues such as small arms, child soldiers, security sector reform, disarmament, demobilization and reintegration, roadblocks and cross-border peacebuilding. On the doctrinal challenge, he opined that while it was a logical course of action to concentrate peacebuilding efforts on countries at war, countries not at war, such as Ghana and the Niger, deserved international support since they remained fragile and could be weakened by violence in neighbouring areas. The Special Representative expressed his confidence that ongoing collaboration between the international community and West African populations and States would help to overcome some of those daunting challenges.²⁶

The Special Adviser on Child Protection to the Executive Secretary of ECOWAS stated that the cross-border problems facing West Africa were all threats to peace, security and stability and that those threats stemmed from activities of organized gangs with networks in several countries of the subregion and even outside the region. Most of those gangs, which usually had political roots and might mutate into criminal gangs, survived by means of arms and drugs trafficking, money-laundering and human trafficking, and very often controlled the richest areas of the

countries in crisis. The Special Adviser informed the Council that to prevent and combat negative activities of armed gangs, ECOWAS had established a number of instruments, such as the Convention on Mutual Assistance in Criminal Matters and the Convention on Extradition. ECOWAS had identified three main strategic approaches to implement those instruments, namely through political, legal and development measures. Meanwhile, ECOWAS had also adopted a number of protocols to prevent conflict by promoting democracy and good governance as well as the free movement of goods and people. The Special Adviser concluded by stating that all the agreed-upon guidelines should be followed in order to bring about an environment conducive to good economic and social development in the subregion.²⁷

Speakers shared the assessment by the Secretary-General that the situation in West Africa was a mixed picture of positive developments and continuing challenges and reaffirmed the belief that concerted efforts on the basis of an integrated regional approach to conflict prevention were required in order to bring sustainable peace. In addition to commending the enhanced cooperation among the various United Nations political and peacekeeping missions in the subregion as well as between the United Nations system and other stakeholders, most speakers focused their respective statements on small arms, disarmament, demobilization and reintegration and security sector reform, and border areas.

A large number of speakers noted that the proliferation of small arms remained a serious challenge which must be more effectively addressed, notably by ECOWAS member States converting the Moratorium into a legally binding instrument and by the international community supporting the ECOWAS Small Arms Control Programme.²⁸ In the context of trafficking of small arms, a number of speakers supported the Secretary-General's recommendation that United Nations peacekeeping operations be given

²⁵ S/PV.5131, pp. 2-3.

²⁶ *Ibid.*, pp. 3-4.

²⁷ *Ibid.*, pp. 4-6.

²⁸ *Ibid.*, p. 8 (China); p. 11 (Brazil); p. 14 (Philippines); pp. 17-18 (Japan); p. 19 (United States); pp. 21-22 (France); p. 23 (Romania); p. 24 (Argentina); p. 29 (Luxembourg, on behalf of the European Union); p. 31 (Côte d'Ivoire); p. 32 (Guinea); p. 34 (Sierra Leone); p. 35 (Nigeria, on behalf of the Group of African States); and p. 37 (Mali).

the means to monitor and enforce arms embargoes.²⁹ Several speakers argued that “naming and shaming” was an effective tool to enforce the implementation of sanctions regimes and that the Council should consider publishing a list of individuals and entities violating arms embargoes and the ECOWAS moratorium.³⁰ In that regard, representatives of Brazil and Luxembourg, the latter speaking on behalf of the European Union, positively considered the recommendation by the Secretary-General concerning bringing those responsible for criminal activities such as trafficking in small arms, natural resources and human beings to the International Criminal Court for prosecution,³¹ while the representative of the United States said that his delegation had a different view as to the most appropriate forums in which to hear those particular cases.³²

Many speakers noted that successful disarmament, demobilization and reintegration and security sector reform processes were instrumental to conflict prevention and peacebuilding.³³ According to the representative of Denmark, depoliticizing the role of security forces and subjecting them to democratic oversight were prerequisites for preventing new conflict and building peace. She added that the disarmament, demobilization and reintegration process should be tailored to specifically take into account the problem of children and discontented, disillusioned West African youth and that the United Nations should consider funding a larger share of disarmament, demobilization and reintegration-related activities in peace operations through assessed contributions.³⁴ The representative of the United States was concerned that

funding for disarmament, demobilization and reintegration programmes remained a challenge, while endorsing the need for greater security sector reform and the creation of democratic, professional security forces, drawn from all groups in various societies.³⁵ The representative of Japan stressed the importance of tackling the issue of reintegration, particularly the problem of youth unemployment, in order to avoid recurrence of conflict.³⁶ Considering the way to address cross-border issues in West Africa, a few representatives endorsed the proposed establishment of a peacebuilding commission.³⁷

Several speakers touched upon the issue of sensitive border areas and the need for developing integrated strategies for it.³⁸ The representative of the Russian Federation agreed with the Secretary-General regarding the need to strengthen the borders of African States and to create joint security mechanisms in border areas.³⁹ The representative of Benin urged UNOWA to give its full support to an ECOWAS plan aimed at establishing an association of West African border regions and towns.⁴⁰ The representative of Nigeria, speaking on behalf of the Group of African States, stated that the existing initiative entitled “Integrated strategies for sensitive border areas in West Africa”, which included participation of UNOWA, ECOWAS, the Office for the Coordination of Humanitarian Affairs, development partners, civil society groups as well as concerned United Nations country teams and peace missions, should help prevent possible outbreaks of violence, restore trust and confidence in inter-State relations and promote peace and stability in the subregion, if fully implemented. He further held that the challenges of cross-border problems in West Africa could be effectively addressed only when opportunities for economic growth and development were enhanced.⁴¹ The representative of the Niger noted that the management of border areas

²⁹ Ibid., p. 7 (United Kingdom); p. 16 (Denmark); p. 22 (France); p. 29 (Luxembourg, on behalf of the European Union); and pp. 37-38 (Mali).

³⁰ Ibid., p. 20 (Greece); p. 23 (Romania); p. 29 (Luxembourg, on behalf of the European Union); and p. 36 (Nigeria, on behalf of the Group of African States).

³¹ Ibid., p. 11 (Brazil); and p. 29 (Luxembourg, on behalf of the European Union).

³² Ibid., p. 19.

³³ Ibid., p. 7 (United Kingdom); p. 10 (Algeria); p. 11 (Brazil); p. 12 (United Republic of Tanzania); p. 14 (Philippines); p. 17 (Denmark); p. 18 (Japan); p. 19 (United States); p. 20 (Greece); p. 23 (Romania); p. 24 (Argentina); p. 25 (Benin); p. 29 (Luxembourg, on behalf of the European Union); p. 31 (Côte d’Ivoire); p. 36 (Nigeria, on behalf of the Group of African States); and p. 38 (Mali).

³⁴ Ibid., p. 17.

³⁵ Ibid., p. 19.

³⁶ Ibid., p. 18.

³⁷ Ibid., pp. 7-8 (United Kingdom); p. 11 (Brazil); and p. 14 (Philippines).

³⁸ Ibid., p. 15 (Russian Federation); p. 19 (United States); pp. 23-24 (Romania); p. 24 (Argentina); pp. 25-26 (Benin); p. 31 (Côte d’Ivoire); p. 33 (Guinea); p. 36 (Nigeria, on behalf of the Group of African States); p. 38 (Mali); and p. 39 (Niger).

³⁹ Ibid., p. 15.

⁴⁰ Ibid., p. 26.

⁴¹ Ibid., p. 36.

was a major problem in the light of the high degree of mobility among the populations in the region, while cautioning that extortion and abuse at the border posts had often provoked a revolt among neighbouring populations, leading to crises between two adjacent countries.⁴²

Some noted that the best practices and lessons learned from West Africa, including cross-border and regional cooperation, could serve as examples and be applied to other regions and subregions.⁴³ A number of speakers concurred that the primary responsibility for promoting peace and stability in the subregion and dealing with cross-border issues lay with African States themselves⁴⁴ and in that context, some highlighted that African States should take ownership of the process of conflict resolution and peace consolidation.⁴⁵ The representative of the Russian Federation underlined that more thought needed to be given to new ideas about how the Security Council could help West African States to strengthen their peace processes, adding that work on such innovative ideas could take place in the Council's Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.⁴⁶

⁴² Ibid., p. 39.

⁴³ Ibid., p. 6 (United Kingdom); p. 12 (United Republic of Tanzania); and p. 14 (Philippines).

⁴⁴ Ibid., p. 10 (Algeria); p. 15 (Russian Federation); p. 18 (Japan); p. 24 (Argentina); p. 29 (Luxembourg, on behalf of the European Union); and p. 35 (Sierra Leone).

⁴⁵ Ibid., p. 16 (Denmark); p. 18 (Japan); and p. 20 (Greece).

⁴⁶ Ibid., p. 15.

Taking issue with the Secretary-General who had welcomed in his report the decision by the International Contact Group on Liberia to expand its mandate and scope to include the other countries in the Mano River Union, as well as Guinea-Bissau and Côte d'Ivoire,⁴⁷ the representative of Guinea made it clear that his Government considered that decision totally inappropriate and had already rejected it.⁴⁸

At the end of the meeting, the President (Benin) made a statement on behalf of the Council,⁴⁹ by which the Council, inter alia:

Reiterated its belief that action on cross-border and subregional issues should take place as part of a wider strategy of conflict prevention, crisis management and peacebuilding in the subregion;

Encouraged UNOWA further to promote an integrated and joint subregional approach with ECOWAS and the African Union, as well as with other key international partners and civil society organizations;

Welcomed the decision of the European Commission on 2 December 2004 to assist ECOWAS in implementing its plans to combat the illicit dissemination of small arms;

Emphasized the need to pursue security sector reforms aiming at improving civil-military relations in countries emerging from conflict situations and creating a culture of peace and stability and promoting the rule of law;

Urged the donor countries, international organizations and civil society to address the dire humanitarian situation in many parts of the subregion and to provide adequate resources in the framework of the consolidated appeals process 2005 for West Africa as part of a regional humanitarian response strategy to improve the human security of the people in dire need of protection or those whose coping capacities were close to exhaustion.

⁴⁷ S/2005/86, para. 8. The Group was renamed

International Contact Group on the Mano River Basin.

⁴⁸ S/PV.5131, p. 32.

⁴⁹ S/PRST/2005/9.

B. Peace consolidation in West Africa

Initial proceedings

Decision of 9 August 2006 (5509th meeting): statement by the President

By a letter dated 3 August 2006 addressed to the Secretary-General,⁵⁰ the representative of Ghana transmitted a concept paper to help guide the deliberations of the Security Council at an open debate on peace consolidation in West Africa to be held under Ghana's presidency. In the concept paper, it was noted that the political instability that afflicted the region had largely subsided, creating a unique opportunity for nation-building and the promotion of sustainable development. The paper identified broad cross-cutting themes, a discussion of which at the open debate was expected to result in concrete and realistic recommendations to enable the Security Council formulate definitive measures spanning the peace consolidation spectrum of conflict prevention, peacekeeping and peacebuilding.

At its 5509th meeting, on 9 August 2006, the Council adopted the item entitled "Peace consolidation in West Africa" and included in its agenda the above-mentioned letter. Following opening remarks by the President (Ghana), the Council heard briefings by the Secretary-General and his Special Representative for West Africa, as well as by the Executive Secretary of ECOWAS. The Council members made statements, as did the representatives of Brazil, Côte d'Ivoire, Egypt, Finland (on behalf of the European Union),⁵¹ Guatemala, Guinea, India, Liberia, the Libyan Arab Jamahiriya, Namibia, the Niger, Nigeria, Norway, Pakistan, the Republic of Korea, Senegal, Sierra Leone and Venezuela (Bolivarian Republic of).⁵²

Welcoming the recent establishment of the Peacebuilding Commission as one of the most important

outcomes of the ongoing United Nations reform process, the President stressed that while simmering tensions in States such as Côte d'Ivoire and Guinea-Bissau must be resolved before they became intractable, foundations of peace should be strengthened even in those countries that had not experienced any major upheavals or conflicts. He was of the view that many of the problems in West Africa could rightly be blamed on authoritarian rule, lack of good governance and unaccountable leadership. He was pleased to note in that regard the evident determination of the West African people to construct new societies founded on the principles of democratic accountability, respect for human rights and the rule of law. He acknowledged that ECOWAS was faced with severe constraints in terms of capacity and resources despite having been at the forefront of peace operations in West Africa, but assured that once empowered, it would be a reliable partner for peace and wealth creation for the benefit not only of the region, but also of the entire world. The President believed that the strategy for peace consolidation should focus on resolving ongoing conflicts as quickly as possible and preventing a relapse into conflict and a fresh outbreak of conflict, developing the institutional framework and relevant capacities for peace initiatives, mobilizing the required resources for such peace initiatives, and addressing the underlying causes of conflict in a comprehensive manner. It was particularly important to achieve the complete disarmament, demobilization and reintegration of ex-combatants, particularly child soldiers and mercenaries.⁵³

The Secretary-General reaffirmed his view that a holistic approach was needed to address the different but interconnected conflicts in West Africa and in that context welcomed the willingness of the West African leaders to engage in conflicts in the region, without following the usual tendency to uphold the principle of non-interference into internal affairs. He stressed that for peace to prevail and to last, the international community must develop meaningful peacebuilding initiatives, including reconciliation and confidence-building processes, as well as mechanisms to strengthen the rule of law. He voiced concern that many international responses to post-conflict situations

⁵⁰ S/2006/610.

⁵¹ Albania, Bulgaria, Croatia, Montenegro, the Republic of Moldova, Romania, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

⁵² Qatar was represented by the First Deputy Prime Minister and Minister for Foreign Affairs; Ghana and Côte d'Ivoire were represented by their respective Ministers for Foreign Affairs; and Guinea was represented by the Secretary-General in the Ministry of State in charge of Foreign Affairs.

⁵³ S/PV.5509, pp. 3-4.

had suffered from shortage of funds, lack of international coordination and a tendency to leave too soon. He hoped that the Peacebuilding Commission and UNOWA would play a role in addressing those weaknesses. He promised that the United Nations was committed to continuing to work with States of the subregion towards sustainable peace.⁵⁴

The Special Representative of the Secretary-General for West Africa observed that the subregion faced various new threats as a result of the ongoing political, economic and demographic transition, unemployment and informal migration of young people. He urged the Council to pay particular attention to countries in transformation by reinforcing their institutional capacities and assisting their vulnerable populations. Priority in that regard should be given to youth unemployment and its impact on national and regional peace and stability, unauthorized immigration and its increasing impact on local government and international relations, peaceful democratic change of Government as a means of preventing conflict, rapid urbanization and increasing insecurity, and support for private sector in Africa as a way of ensuring progress.⁵⁵

The Executive Secretary of ECOWAS observed that the Peacebuilding Commission was designed to fill a gaping hole in the peace activities of the United Nations, to assist countries in their transition from war to peace and stimulate stability, democracy and development. According to him, peace consolidation for West African countries should include four major components, namely: the rebuilding of democratic institutions including the judiciary, parliament and the civil service; security sector reform to establish competent, truly national security forces; support for the economic capacity of the Government to rebuild destroyed infrastructure and deliver social services to the people; and private sector development to create jobs and economic opportunities for the large army of unemployed people, especially youth. He held that the United Nations could lead international efforts to help consolidate peace in post-conflict countries through budget support programmes, project facilitation, especially the reconstruction of infrastructure, institution capacity enhancement and assistance in policy formulation. While believing that West Africa should be a natural beneficiary of the work of the Peacebuilding Commission, he was of the view that

the Commission might not be in a position to take on many countries in its first year. As such, the various United Nations agencies on the ground, in coordination with UNOWA, should continue to support the countries concerned and ECOWAS initiatives for peace consolidation.⁵⁶

Most speakers welcomed the transition from war to democratic rule in Sierra Leone, Liberia and Guinea-Bissau, as well as efforts aimed at free and fair elections in Côte d'Ivoire. They held that despite the fragile security situation in those countries, West Africa as a whole was closer than ever to consolidating peace in a comprehensive and coordinated manner. They commended ECOWAS and the African Union for their leading role in that regard and urged further cooperation between the United Nations and regional organizations, including the European Union, and international financial institutions.

Speakers stressed that the root causes of conflict must be tackled in the quest for lasting peace in West Africa. In that respect, some speakers highlighted the need to build the capacity of national institutions, especially in the areas of governance, the rule of law and the fight against impunity.⁵⁷ Others considered that more attention should be given to the issues of poverty, unemployment and underdevelopment.⁵⁸ Several speakers, however, opined that both a strategy to promote democracy and good governance and a strategy to reduce poverty were simultaneously required for peace to sustain.⁵⁹

Among those who stressed the importance of good governance, institution-building and respect for the rule of law and human rights, the representative of the Russian Federation stated that the most important means of preventing internal conflicts was strengthening the

⁵⁴ *Ibid.*, pp. 4-5.

⁵⁵ *Ibid.*, pp. 5-6.

⁵⁶ *Ibid.*, pp. 6-8.

⁵⁷ *Ibid.*, p. 13 (Russian Federation); p. 16 (Argentina); p. 17 (Denmark); p. 20 (France); p. 23 (Slovakia); p. 24 (United States); p. 25 (Japan); p. 27 (United Kingdom); and p. 28 (United Republic of Tanzania); S/PV.5509 (Resumption 1), p. 3 (Guatemala); p. 6 (Namibia); p. 10 (Senegal); p. 13 (India); p. 19 (Nigeria); and p. 22 (Niger).

⁵⁸ S/PV.5509, p. 9 (Qatar); p. 14 (Russian Federation); p. 15 (China); p. 25 (Japan); and p. 27 (United Kingdom); S/PV. 5509 (Resumption 1), p. 12 (India); p. 15 (Sierra Leone); p. 16 (Bolivarian Republic of Venezuela); and p. 18 (Republic of Korea).

⁵⁹ S/PV.5509, pp. 11-12 (Côte d'Ivoire); p. 23 (Slovakia); and p. 24 (United States).

rule of law and developing democracy and good governance.⁶⁰ The representative of Denmark noted that while more efficient peacekeeping was only a first step in dealing with post-conflict situations, a far more sustainable approach was to ensure that national security institutions were in place early on in the transition process.⁶¹ The representative of France pointed out that the lack of good governance was at the root of the disturbances that the region had experienced.⁶² Concurring, the representative of the Niger held that the ECOWAS Protocol on Democracy and Good Governance should be promoted because it had deterrent potential when it came to preserving good governance.⁶³

Among those underlining the urgent need to reduce poverty and promote economic development, the representative of China argued that all problems in West Africa boiled down to development.⁶⁴ The representative of Sierra Leone noted that peace consolidation in West Africa was a development exercise which must be seen and addressed in the context of poverty alleviation programmes in the subregion.⁶⁵ The representative of Venezuela (Bolivarian Republic of) cautioned that extreme poverty was the greatest threat to peace as billions of people surviving on less than two dollars a day could be a source of destabilization.⁶⁶

Most speakers expressed hope that the recently created Peacebuilding Commission would play a critical role in assisting countries emerging from conflict to achieve sustainable peace and stability and many welcomed the fact that Sierra Leone had been selected among the first cases on its agenda.⁶⁷ The representative of Denmark observed that an important task for the Commission was looking for best practices in facilitating disarmament, demobilization and reintegration and security sector reform processes and

the rule of law in post-conflict situations.⁶⁸ The representative of Greece held that the Commission must work closely with the World Bank, the International Monetary Fund, national authorities and ECOWAS in order to achieve long-term goals, such as combating youth unemployment and the provision of health, social and educational services.⁶⁹ The representative of Japan stated that the Council and the Commission should take up issues of security, governance, reconstruction and socioeconomic development in accordance with their specific areas of responsibility, with the Commission offering constructive input to the Council. He further suggested that the Commission should prioritize the matters on its agenda and study carefully the peacebuilding strategies for each State under its consideration.⁷⁰ The representative of Guatemala also considered that the Commission should help national authorities establish priorities and devise realistic strategies and coherent policies adapted to the circumstances of each country.⁷¹ The representative of Egypt expected the Commission to play a leading role in ensuring efficient coordination among the various actors contributing to peacebuilding efforts. He noted with concern the limits to the capacity and role of the Security Council in addressing the requirements of the transition from conflict to comprehensive development, particularly as it had repeatedly hesitated to open channels of genuine and effective coordination with the General Assembly, the Economic and Social Council and the relevant regional and subregional organizations.⁷² The representative of India held that the Peacebuilding Commission must not only work with the Security Council but also take into consideration inputs from other United Nations bodies and work under the overall guidance of the General Assembly.⁷³

On the issue of combating impunity, several representatives commended the arrest and trial of Charles Taylor.⁷⁴ The representative of Norway was of

⁶⁰ *Ibid.*, p. 13.

⁶¹ *Ibid.*, p. 17.

⁶² *Ibid.*, p. 20.

⁶³ S/PV.5509 (Resumption 1), p. 22.

⁶⁴ *Ibid.*, p. 15.

⁶⁵ S/PV.5509 (Resumption 1), p. 15.

⁶⁶ *Ibid.*, p. 16.

⁶⁷ S/PV.5509, p. 14 (Russian Federation); p. 15 (China); p. 16 (Argentina); p. 20 (France); p. 22 (Congo); p. 23 (Slovakia); and p. 24 (United States); S/PV.5509 (Resumption 1), pp. 5-6 (Namibia); p. 11 (Brazil); p. 15 (Sierra Leone); p. 18 (Republic of Korea); p. 19 (Nigeria); pp. 20-21 (Pakistan); and pp. 22-23 (Niger).

⁶⁸ S/PV.5509, p. 17.

⁶⁹ *Ibid.*, p. 19.

⁷⁰ *Ibid.*, pp. 25-26.

⁷¹ S/PV.5509 (Resumption 1), p. 3.

⁷² *Ibid.*, pp. 6-7.

⁷³ *Ibid.*, p. 13.

⁷⁴ S/PV.5509, p. 20 (France); p. 24 (United States); p. 27 (United Kingdom); and p. 28 (United Republic of Tanzania); S/PV.5509 (Resumption 1), pp. 3-4 (Finland, on behalf of the European Union); p. 18 (Nigeria); and p. 19 (Norway).

the view that a war-torn society could not be healed unless those responsible for crimes against humanity and violations of international humanitarian law were brought to justice.⁷⁵ The representative of Namibia believed that reconciliation was the key to sustainable peace and that the pursuit of justice should not aim to punish those who committed crimes, but to rehabilitate them and correct the mistakes that had been made.⁷⁶ For his part, the representative of Côte d'Ivoire emphasized that justice must be rendered at an appropriate time. He cautioned that if justice was pursued too early, it could undermine a still fragile peace and call into question the still timid confidence among former enemies. If too late, however, it could prevent a society from entering a new era through the revelation of the truth aimed at achieving national reconciliation.⁷⁷

The representative of the United Republic of Tanzania was of the view that there was no shortage of ideas on maintaining and consolidating peace in post-conflict situations in West Africa. What was lacking, he stressed, was the will, the resolve and the resources to effectively implement the many recommendations already on the table.⁷⁸ In that respect, several representatives reiterated the need to urgently stop the proliferation and illicit circulation of small arms and light weapons,⁷⁹ while others stressed the importance of the successful disarmament, demobilization and reintegration and security sector reform processes.⁸⁰ While the representative of Qatar urged the Council to recognize education as a vital tool for enhancing and consolidating

peace, security and stability,⁸¹ the representative of Peru called for implementing educational curricula that would promote peace and development.⁸² The representative of Denmark advocated a greater focus on women in conflict resolution and peace consolidation.⁸³ Similarly, the representative of Namibia noted that post-conflict peacebuilding programmes should be designed for women, children and girls, especially in the areas of education and employment creation.⁸⁴

At the end of the meeting, the President made a statement on behalf of the Council,⁸⁵ by which the Council, *inter alia*:

Stressed the importance of addressing the issue of peace consolidation in West Africa in a comprehensive and coordinated manner;

Stressed the primary role of each West African Government in peace consolidation for the benefit of all citizens;

Underlined the crucial importance of the disarmament, demobilization and reintegration of ex-combatants;

Reiterated the importance of finding effective solutions to the problem of refugees and internally displaced persons in the area;

Urged the international community to provide adequate resources as part of a coordinated humanitarian response strategy to improve the human security of the people of West Africa in need of such protection;

Stressed the need to ensure improved coordination of donor initiatives in order to make the best use of available resources;

Further stressed the need for continued and enhanced cooperation between the United Nations, ECOWAS and the African Union in peace consolidation initiatives;

Underscored the importance and the role of the Peacebuilding Commission in assisting countries emerging from conflict to achieve sustainable peace and stability;

Requested the Secretary-General, in consultation with the ECOWAS secretariat, to submit to it by the end of the year a report with recommendations on the cooperation between the United Nations missions deployed in the region and on the cross-border issues in West Africa.

⁷⁵ S/PV.5509 (Resumption 1), p. 19.

⁷⁶ *Ibid.*, p. 5.

⁷⁷ S/PV.5509, p. 11.

⁷⁸ *Ibid.*, p. 27.

⁷⁹ *Ibid.*, p. 11 (Côte d'Ivoire); S/PV.5509 (Resumption 1), p. 9 (Senegal); pp. 15-16 (Sierra Leone); p. 19 (Nigeria); and p. 23 (Liberia).

⁸⁰ S/PV.5509, p. 16 (Argentina); p. 23 (Slovakia); and p. 25 (Japan); S/PV.5509 (Resumption 1), p. 5 (Namibia); p. 9 (Senegal); and p. 11 (Brazil).

⁸¹ S/PV.5509, p. 10.

⁸² *Ibid.*, p. 20.

⁸³ *Ibid.*, p. 17.

⁸⁴ S/PV.5509 (Resumption 1), p. 5.

⁸⁵ S/PRST/2006/38.

15. Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes

Initial proceedings

Decision of 22 April 2004 (4949th meeting): statement by the President

At its 4949th meeting, on 22 April 2004, the Security Council adopted as its agenda the item entitled “Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes”.

The President (Germany) made a statement on behalf of the Council,¹ by which the Council, inter alia:

Welcomed the decision by the Socialist People’s Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery and the positive steps taken to fulfil its commitments and obligations, including its active cooperation with the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons;

Took note that in its resolution 2004/18 the Board of Governors of the International Atomic Energy Agency recognized the decision of the Socialist People’s Libyan Arab Jamahiriya as a step towards the realization of the goal of an Africa and a Middle East free of weapons of mass destruction and at peace.

¹ S/PRST/2004/10.

16. Items relating to the Sudan

A. Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 25 May 2004 (4978th meeting): statement by the President

At its 4978th meeting, on 25 May 2004, the Security Council adopted as its agenda the item entitled “Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425)”. In the letter, the representative of the Sudan, referring to his meeting with the President of the Council on 17 May 2004 on the humanitarian situation in Darfur, stated that the Government of the Sudan had taken a number of actions to facilitate the entry and clearance of equipment imported to be used for humanitarian purposes, including granting entry visas within

48 hours to all humanitarian workers from the United Nations, donors, the Red Cross and international non-governmental organizations and suspending the travel permit requirement for Darfur. He noted that the Government of the Sudan had appealed to the African Union to expedite the deployment of ceasefire observers as an important step in further facilitating humanitarian activities. It had also appealed to the population of Darfur to return to their villages, reaffirming its commitment to provide security and protection. He also reiterated the commitment of his Government to continue its full cooperation with the United Nations and the international community in its quest to alleviate the humanitarian situation of its citizens.

The President (Pakistan) made a statement on behalf of the Council,¹ by which the Council, inter alia:

Expressed its grave concern over the deteriorating humanitarian and human rights situation and at the continuing reports of large-scale violations of human rights and of international humanitarian law in Darfur (Sudan);

Reiterated its call on the parties to ensure the protection of civilians and to facilitate humanitarian access to the affected population;

Emphasized the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence;

Welcomed the announcement by the Government of the Sudan that it would issue visas to all humanitarian workers within 48 hours of application;

Called upon the international community to respond rapidly and effectively to the consolidated appeal for Darfur;

Affirmed the need for the immediate appointment and appropriate accreditation of a permanent Resident Coordinator/Humanitarian Coordinator;

Encouraged the parties to step up their efforts to reach a political settlement to their dispute in the interest of the unity and sovereignty of the Sudan.

¹ S/PRST/2004/18.

B. Reports of the Secretary-General on the Sudan

Initial proceedings

Decision of 11 June 2004 (4988th meeting): resolution 1547 (2004)

At its 4988th meeting,² on 11 June 2004, the Security Council adopted as its agenda the item entitled “Report of the Secretary-General on the Sudan (S/2004/453)”. The representative of the Sudan was invited to participate in the discussion. The President (Philippines) drew the attention of the Council to the report of the Secretary-General dated 3 June 2004.³ In his report, following a request by the Council to initiate preparatory work on how the United Nations could fully support the implementation of a comprehensive peace agreement between the Government of the Sudan and the Sudan People’s Liberation Movement/Army (SPLM/A), the Secretary-General observed that the recent signing of the protocols on power-sharing, on the areas of the Nuba Mountains and Southern Blue Nile, and on Abyei, had given a real prospect for peace in the Sudan. He therefore recommended the deployment of an advance team, for an initial period of three months and under

the authority of a Special Representative of the Secretary-General, that would show the commitment of the international community to assist the parties and would also enhance the ability of the United Nations to engage quickly in assisting the Sudanese people in the transition to peace. The Secretary-General called on the parties to respect their commitments by implementing their agreements in good faith and by using their influence to ensure a complete halt to fighting, and also called upon the international community to continue to play its part during the final phase of negotiations and during the interim periods that would follow a comprehensive peace agreement. Observing that the situation in Darfur was catastrophic, the Secretary-General noted that a meaningful agreement on Darfur would be fundamental to the success of a future United Nations role in the Sudan, as to conduct a consent-based monitoring and verification operation in one part of the country while there was ongoing conflict in another part would prove politically unsustainable inside the Sudan and internationally, and therefore urged the parties to the conflict to conclude a political agreement without delay.

Statements were made by the representatives of Algeria, Germany, Pakistan, the United Kingdom and the United States. The President drew the attention of the Council to a draft resolution submitted by the United Kingdom;⁴ it was put to the vote and adopted

² 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 the Sudan, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 21 September 2005 (5265th), 21 March 2006 (5391st), 18 September 2006 (5527th), 23 April 2007 (5666th) and 29 October 2007 (5771).

³ S/2004/453, submitted pursuant to the statement by the President of 10 October 2003 (S/PRST/2003/16).

⁴ S/2004/473.

unanimously as resolution 1547 (2004), by which the Council, *inter alia*:

Welcomed the Secretary-General's proposal to establish a United Nations advance team in the Sudan as a special political mission;

Endorsed the Secretary-General's proposals for the staffing of the advance team, and in this regard requested the Secretary-General to conclude all necessary agreements with the Government of the Sudan as expeditiously as possible;

Declared its readiness to consider establishing a United Nations peace support operation to support the implementation of a comprehensive peace agreement, and requested the Secretary-General to submit to the Council recommendations for the size, structure, and mandate of this operation, as soon as possible after the signing of a Comprehensive Peace Agreement;

Endorsed the conclusions of the Secretary-General with regard to the situation in the Sudan, in particular Darfur and the Upper Nile, as set out in paragraph 22 of his report;

Called upon the parties to use their influence to bring an immediate halt to the fighting in the Darfur region, in the Upper Nile and elsewhere;

Requested the Secretary-General to keep it informed of developments in the Sudan.

Speaking after the vote, most representatives welcomed the progress made in the north-south peace talks for the Sudan (the Naivasha peace process), led by the Intergovernmental Authority on Development (IGAD), and welcomed the commitment of the United Nations to support the peace process as recommended by the Secretary-General.

The representatives of the United Kingdom and Germany welcomed the fact that the Council had demonstrated its unanimous support for the north-south peace agreement process for the Sudan and hoped to see similar progress in the difficult situation in Darfur.⁵ In particular, the representative of Germany observed that a sustainable peace would only be possible when all conflicts in the Sudan had been resolved, including the widespread violations of human rights.⁶ The representative of the United States, echoing the statement issued earlier by the leaders of the Group of Eight, urged the Government of the Sudan and SPLM/A to reach a comprehensive agreement that would include a timetable and security arrangements as quickly as possible. He also echoed the concern

expressed by the Group of Eight over the humanitarian, human rights and political crisis in Darfur, and welcomed the announcement by the Government of the Sudan that restrictions on humanitarian access would be eased.⁷

The representative of Algeria called for mobilization of all resources to accompany the peace process under way in southern Sudan in order to avoid the possibility of failure. He stated that his delegation would have liked the resolution to have guaranteed ongoing international mobilization to accompany the peace process. He fully endorsed the Secretary-General's recommendations, particularly those pertaining to the deployment of an advance team, with the prospect of establishing a United Nations operation after the conclusion of a comprehensive peace agreement in southern Sudan.⁸

Recalling that the cooperation of the relevant parties was vital for the implementation of any peace agreement, the representative of Pakistan stated that it was important to keep the Government of the Sudan engaged in the process. He noted that the resolution referred to the problems in Darfur, where there was a humanitarian crisis initiated by an armed rebellion and escalated by the response. He argued that what was important was for the international community to respond generously to the humanitarian crisis. He recalled that, as a State Member of the United Nations, the Sudan had all the rights and privileges under the Charter, including sovereignty and territorial integrity. Observing that long-term peace and unity in the Sudan were in the interest not only of its own people, but also of the international community, he stressed that it should be a matter of principle that any country concerned in any issue under the Council's discussion should have the right to participate and to speak in the Security Council and the Council should not have denied it in this case.⁹

**Decision of 30 July 2004 (5015th meeting):
resolution 1556 (2004)**

At its 5015th meeting, on 30 July 2004, the Council continued its consideration of the report of the Secretary-General dated 3 June 2004.¹⁰ The President

⁵ S/PV.4988, p. 2 (United Kingdom); and pp. 2-3 (Germany).

⁶ *Ibid.*, p. 2.

⁷ *Ibid.*, p. 3.

⁸ *Ibid.*, pp. 3-4.

⁹ *Ibid.*, p. 4.

¹⁰ S/2004/453.

(Romania) drew the attention of the Council to the following documents: a draft resolution submitted by Chile, France, Germany, Romania, Spain, the United Kingdom and the United States;¹¹ letters dated, respectively, 12 and 27 July 2004, from the representative of Nigeria, in his capacity as Chairman of the African Union, transmitting the communiqués adopted by the Peace and Security Council of the African Union on 4 and 27 July 2004;¹² and a letter dated 22 June 2004 from the representative of the Sudan, informing the Council about a number of measures adopted by the President of the Sudan in relation to the situation in Darfur.¹³

Statements were made by most Council members and the representative of the Sudan.

Speaking before the vote, the representative of China stated that a satisfactory resolution of the political situation in Darfur would require three elements: first, the speedy alleviation of the severe humanitarian situation; secondly, the expediting of political negotiations to reach, as soon as possible, a comprehensive agreement based on respect for the Sudan's sovereignty and territorial integrity; and, thirdly, expeditious assistance by the international community. Expressing the hope that the Government of the Sudan would continue to honour its commitment to disarm the Janjaweed militia and other illegal groups, he held that the Government bore the primary responsibility to resolve the situation in Darfur and that the international community should make every effort to assist in this regard. Noting that the draft resolution under consideration by the Council still included mandatory measures against the Government of the Sudan, he believed that, since the parties were speeding up diplomatic efforts, such measures could not be helpful in resolving the situation in Darfur and might further complicate it. Regretting that the sponsors of the resolution had not taken seriously into consideration the concerns put forward by his delegation, the representative of China stated that his country would abstain in the voting of the draft resolution.¹⁴

The draft resolution was then put to a vote; it received 13 votes to none, with 2 abstentions (China,

Pakistan), and was adopted as resolution 1556 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Endorsed the deployment of international monitors to the Darfur region of the Sudan under the leadership of the African Union;

Urged Member States to provide personnel and other assistance including financing, supplies, transport, command support and communications;

Demanded that the Sudan fulfil its commitments to disarm the militias and requested the Secretary-General to report in 30 days and monthly thereafter on progress made;

Decided that all States should take the necessary measures to prevent the sale or supply of arms or related materiel of all types to entities operating in the Sudan, including technical training;

Decided that the measures imposed should not apply to supplies and related technical training and assistance to monitoring, verification or peace support operations; or supplies of non-lethal military equipment for humanitarian or human rights monitoring or supplies of protective clothing for United Nations and humanitarian personnel;

Requested the Secretary-General to activate inter-agency humanitarian mechanisms;

Extended the special political mission for an additional 90 days, to 10 December 2004, and requested the Secretary-General to incorporate into the mission contingency planning for the Darfur region.

Speaking after the vote, Council members who had voted in favour of the draft resolution, *inter alia*, expressed satisfaction that the resolution had been adopted since the gravity of the situation in Darfur called for a clear and urgent response by the Council; stressed that the resolution underlined in particular the Council's commitment to ensure that the Government of the Sudan fulfilled its duty to protect its own citizens; underlined the need for the Government of the Sudan to implement all the commitments it had made in its joint communiqué with the United Nations signed on 3 July 2004; expressed the hope that the situation on the ground would be greatly improved and that humanitarian assistance would reach all the people in need by the time of the next review; further expressed the hope that significant progress would be made in the political process and in establishing credible security conditions for civilians and humanitarian actors, and in disarming the Janjaweed militias and bringing their leaders to justice; and emphasized and welcomed the

¹¹ S/2004/611.

¹² S/2004/561 and S/2004/603.

¹³ S/2004/513.

¹⁴ S/PV.5015, pp. 2-3.

crucial role of the African Union both at the political and peacekeeping level.

Noting that resolution 1556 (2004) was the necessary response to help save the people of Darfur, the representative of the United States stated that the responsibility for the humanitarian disaster lay with the Government of the Sudan, which had not met the commitments undertaken in the joint communiqué with the Secretary-General to address the situation in Darfur. Against this background, he explained that the resolution, while not labelling the present situation in Darfur as genocide, did explicitly condemn acts of violence “with an ethnic dimension” and anticipated sanctions against the Government of the Sudan if the regular monthly cycle of reporting revealed a lack of compliance. He therefore added that the resolution gave the Government of the Sudan one small window of opportunity to improve the situation dramatically “in days and weeks, not months or years”.¹⁵ The representative of the United Kingdom, echoed by the representative of France, stated that the message to the Government of the Sudan and the rebels should be clear and firm and that, if commitments were not met and peace talks were not entered into constructively and in good faith, and if the atrocities did not end, the Council, when reviewing progress the following month, would be considering measures as provided for in Article 41 of the Charter.¹⁶ Similarly, the representative of Spain stated that if the Government of the Sudan did not fulfil its commitments, the Council must be prepared to adopt all measures necessary to guarantee the fulfilment of those commitments,¹⁷ while the representative of Germany stated that the Council explicitly reserved the right to impose sanctions if the Government of the Sudan failed to act rapidly.¹⁸

On the other hand, the representative of Pakistan explained that his delegation was not in a position to support the resolution since his country did not believe that the threat or imposition of sanctions against the Government of the Sudan was advisable. Believing that the Security Council would not need to take such further measures, and echoed by the representative of the Philippines, he looked forward to the report of the Secretary-General to be issued in 30 days, which, he hoped, would confirm that the Government of the

Sudan and the rebel groups were complying with their commitments and obligations.¹⁹ The representative of Pakistan welcomed the emphasis contained in the resolution on the need for a political solution to the Darfur crisis, as well the reference to the principle of preserving the territorial integrity of the Sudan. However, echoed by the representative of Brazil, he did not believe that the adoption of the entire resolution under Chapter VII was necessary.²⁰ The representative of Brazil added that although he recognized the reference to Article 41 of the Charter as a compromise, he believed that the text should have made clear that measures such as those envisaged in Article 41 should be adopted solely for the purpose of giving effect to the decisions of the Security Council contained in the resolution.²¹

The representative of the Russian Federation said that it was of fundamental importance that resolution 1556 (2004) did not foresee further Security Council action with regard to Darfur, which could only be taken to implement the Council’s decisions in the light of further developments in the situation and on the basis of relevant recommendations of the Secretary-General. He expressed the hope that the Council was sending a clear signal to the Government of the Sudan and the rebels regarding the need to implement quickly the commitments made.²²

The representative of Algeria, speaking on behalf of the three countries representing Africa on the Council, namely, Angola, Benin and his own country, stated that his delegation had supported the resolution in the belief that the international community could not remain passive and indifferent to the humanitarian crisis unfolding in Darfur. He was satisfied that the resolution contained strong and unequivocal support for and endorsement of the African Union’s leadership role and the various dimensions of its engagement in Darfur, including humanitarian, military and political, with the deployment of monitors and a protection force. He added that the resolution also supported the possibility of the African Union creating a full-fledged peacekeeping operation and sponsoring talks between the Government of the Sudan and the rebel groups,

¹⁵ Ibid., pp. 3-5.

¹⁶ Ibid., p. 5.

¹⁷ Ibid., p. 8 (United Kingdom); and p. 9 (France).

¹⁸ Ibid., p. 7.

¹⁹ Ibid., pp. 9-10 (Pakistan); p. 11 (Philippines).

²⁰ Ibid., p. 10 (Pakistan); p. 8 (Brazil).

²¹ Ibid., p. 8.

²² Ibid., pp. 6-7.

with a view to reaching a political solution to the tensions in Darfur.²³

The representative of the Sudan regretted the adoption of the resolution at a time when his Government was acting quickly to implement its agreement with the United Nations to address the situation in Darfur. He explained that his Government had sought to deal with the rebel groups through serious dialogue with the international community and had engaged in a constructive effort in good faith with the United Nations, as well as bilaterally with members of the international community, as established in the joint communiqué of 3 July 2004. Noting that his Government had started to implement the obligations contained in the joint communiqué, covering humanitarian, human rights, security and political issues, he stated that his Government had fulfilled all its commitments related to humanitarian issues and had established an independent investigation commission into human rights violations. He further regretted that, contrary to resolution 1547 (2004), which was adopted under Chapter VI of the Charter, resolution 1556 (2004) was adopted under Chapter VII. Nevertheless, he concluded that, despite such elements, his Government would comply with the provisions of the resolution, would continue its efforts to mitigate the suffering of civilians in Darfur and restore stability, and would redouble its efforts to ensure a peaceful settlement of the problem.²⁴

Decision of 18 September 2004 (5040th meeting): resolution 1564 (2004)

At its 5027th meeting, on 2 September 2004, the Council included in its agenda the report of the Secretary-General dated 30 August 2004.²⁵ In his report, observing that the conflict in Darfur had resulted in the forced displacement of more than 1.3 million people within Darfur and across the border to Chad, the Secretary-General noted that, although certain measures taken by the Government of the Sudan in accordance with the joint communiqué of 3 July 2004 and the Darfur Plan of Action had resulted in some progress, the Government of the Sudan had not fully met its obligation to stop attacks against civilians and ensure their protection and had not taken concrete

steps to bring to justice or identify any of the militia leaders or the perpetrators of the attacks, allowing the violations of human rights and the basic laws of war to continue in a climate of impunity. Recalling that, in both the joint communiqué and the Plan of Action, the Government had promised to resume the political talks on Darfur to reach a comprehensive solution acceptable to all parties in the conflict, the Secretary-General reported that the search for a political solution on Darfur was currently under way at the Abuja peace talks and urged the parties to continue and redouble their efforts, with the assistance of the African Union and the other international mediators, and to exercise maximum restraint on the ground and fully respect the Humanitarian Ceasefire Agreement. The Secretary-General believed that a substantially increased international presence in Darfur was required as quickly as possible to help decrease the level of violence and enhance the protection of the civilian population, particularly those who had been displaced, as well as to monitor more effectively the implementation of the parties' commitments, including those under the Humanitarian Ceasefire Agreement. By providing the population with an increased sense of security and protection, he added, a sizeable international presence would ease the level of tension, and create the necessary conditions for the population of Darfur to start their own reconciliation process and permit a voluntary and safe return, although not any time soon, of the displaced people. Lastly, the Secretary-General recalled that the crisis in Darfur could not be seen in isolation from the search for a comprehensive peace in the Sudan, therefore requiring simultaneous efforts by all concerned to restart and conclude the Naivasha peace talks as soon as possible in order to prove that peace negotiations could indeed produce results. Noting that the outcome of the talks in Naivasha could serve as a model for the talks on Darfur and instil more confidence among the rebels in the process, the Secretary-General concluded that any effort to make the conclusion of the IGAD-led process conditional on an end to the crisis in Darfur would be counterproductive, with consequences that could further destabilize the country and the region, and ultimately prolong the crisis in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. The President (Spain) drew the attention of the Council to a letter dated 19 August 2004 from the representative of the

²³ Ibid., pp. 5-6.

²⁴ Ibid., pp. 11-15.

²⁵ S/2004/703, submitted pursuant to paragraphs 6 and 13 to 16 of resolution 1556 (2004).

Sudan, transmitting a message from the Minister for Foreign Affairs regarding the situation in Darfur and Security Council resolution 1556 (2004);²⁶ a letter dated 31 August 2004 from the representative of the Sudan, enclosing a letter from the Minister for Foreign Affairs regarding the measures taken by the Government of the Sudan in compliance with resolution 1556 (2004) and the Darfur Plan of Action;²⁷ and a letter dated 18 August 2004 from the Permanent Observer of the League of Arab States (LAS) addressed to the Secretary-General, transmitting the outcome of the extraordinary session of the Ministerial Council of LAS held on 8 August 2004 concerning the situation in Darfur.²⁸

In his briefing, the Special Representative of the Secretary-General for the Sudan informed Council members that through intensive discussions within the framework of the Joint Implementation Mechanism, the United Nations and its partners had been able to maintain pressure on the Government of the Sudan, while also offering to help in meeting the initial requirements contained in resolution 1556 (2004). Affirming that the Government had made progress in this respect, the Special Representative specified, *inter alia*, that it had improved security in some areas with concentration of internally displaced persons; had ceased all offensive military operations in these areas; had accepted international human rights monitoring and had established national mechanisms to investigate abuses; and had engaged in negotiations with rebel movements without pre-conditions. He emphasized, however, that the Government had not met its commitments in two key areas: it had not been able to stop attacks by militias against civilians, or to disarm those militias; and had not taken any concrete steps to bring to justice, or even identify, any militia leaders or perpetrators of those attacks. Affirming the responsibility of the Government to protect its people against attacks and violations of human rights, he urged the Government, if unable to fully protect its citizens by itself, to seek assistance from the international community. At minimum, he added, this would mean interpreting the monitoring mandate more broadly in order to cover the implementation of all agreements and be more pro-active. He therefore indicated that an expanded African Union mission in

Darfur could provide a path towards that end that was independent from the parties, widespread, neutral, efficient and reliably backed by logistics and resources supplied by the international community. Echoing the report of the Secretary-General and affirming that there could be no end to the suffering in Darfur without a political settlement leading towards sustainable peace, he urged the parties to stay at the negotiation table and to seek assistance from the African Union and United Nations facilitators and mediators.²⁹

At its 5040th meeting, on 18 September 2004, the Council continued its consideration of the report of the Secretary-General dated 30 August 2004.³⁰ The President (Spain), drew the attention of the Council to a draft resolution submitted by Germany, Romania, Spain, the United Kingdom and the United States;³¹ and to a letter dated 16 September 2004 from the representatives of Australia, Canada and New Zealand, requesting the Security Council to take a number of actions which included, *inter alia*, the support of an expanded African Union mission, the establishment of clear benchmarks in terms of actions expected by the Government of the Sudan, and the establishment by the Secretary-General of an impartial commission of experts to investigate violations of war crimes and crimes against humanity.³² Statements were made by Council members as well as the representative of the Sudan.³³

Speaking before the vote, the representative of Algeria stated that, in the light of the progress made by the Government of the Sudan in implementing its obligations under resolution 1556 (2004), his delegation would have expected the Security Council to take note of the progress and urge the Government of the Sudan to undertake further efforts in areas where shortcomings had been emphasized, particularly in the area of security. He added that his delegation did not expect the Council to again threaten the use of sanctions against the Government of the Sudan. He therefore observed that, despite some improvements made to the text of the draft resolution, the latter continued to pose problems for a number of reasons.

²⁹ S/PV.5027, pp. 2-5.

³⁰ S/2004/703.

³¹ S/2004/744.

³² S/2004/739.

³³ The representative of Angola did not make a statement at the meeting. The Secretary-General was present but did not make a statement.

²⁶ S/2004/671.

²⁷ S/2004/701.

²⁸ S/2004/674.

First, the draft resolution did not take into account the positive steps taken by the Government of the Sudan, but rather exclusively highlighted the shortcomings detected in the implementation of the Government's commitments. Second, the draft resolution foresaw the use of sanctions in reaction not only to non-compliance with the Council resolution, but also if there was a lack of cooperation with the African Union concerning the extension of its mandate, even though the Government had requested that the latter's mission be extended and strengthened and had committed itself to serious cooperation with the United Nations and the African Union. Third, the text called for the establishment of an international commission of inquiry charged with determining whether genocide had been committed in Darfur, despite the fact that the international community had deliberately set aside that question, at least for the time being, in order to avoid jeopardizing the provision of humanitarian aid. Regretting that the sponsors of the draft resolution had not shown flexibility on the aforementioned points, the representative of Algeria stated that, although recognizing some of the highly positive elements of the draft resolution, his delegation would abstain from the vote.³⁴

The President then put the draft resolution to the vote; it received 11 votes to none, with 4 abstentions (Algeria, China, Pakistan, Russian Federation), and was adopted as resolution 1564 (2004), by which the Council, acting under Chapter VII of the Charter, inter alia:

Declared its grave concern that the Government of the Sudan had not fully met its obligations noted in resolution 1556 (2004) and deplored the recent ceasefire violations by all parties;

Urged the Government of the Sudan and SPLM to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan;

Demanded that the Government of the Sudan submit to the African Union mission for verification documentation, particularly the names of those arrested for human rights abuses and violations of international humanitarian law;

Demanded that all armed groups, including rebel forces, cease all violence;

Requested that the Secretary-General rapidly establish an international commission of inquiry in order immediately to

investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties;

Declared that the Council, in the event the Government of the Sudan failed to comply fully with resolution 1556 (2004) or the present resolution should consider taking additional measures as contemplated in Article 41 of the Charter of United Nations.

Speaking after the vote, the representative of the Russian Federation, emphasizing that the Government of the Sudan had achieved a certain amount of progress in implementing its obligations under resolution 1556 (2004), stated that the threat of sanctions was far from the best method of inducing the Government to fully implement its obligations with the United Nations. Noting that only "approved diplomatic methods" should be used, he held that linking sanctions with the peacebuilding efforts of the African Union was counterproductive and, therefore, stated that his delegation was unable to support the draft resolution.³⁵

Observing that the situation in Darfur was gradually improving, the representative of China was of the view that the Council and the international community should focus on encouraging the Government of the Sudan to continue to cooperate, rather than doing the opposite, and fully support the mediation efforts of the African Union, rather than increase its difficulties. He added that the Council should also work for an early agreement with a view to achieving a political solution between the Government and the rebels rather than sending the wrong signals and making negotiations difficult. For those reasons, he observed that his delegation had serious reservations about the text of the resolution, expressing concern that it would not contribute to a solution. Nevertheless, he added, since a key element of the current work of the Council was to support the African Union in extending its deployment in Darfur, his delegation had refrained from blocking the text. Taking note of the fact that the sponsors had repeatedly stated that the threat of sanctions would not be automatically implemented, the representative of China reiterated that his country's position against sanctions remained unchanged, consistent with the view that instead of helping resolve problems, they made them more complicated. Expressing his support for the expansion of the African Union's deployment in Darfur, he continued to believe that only a political settlement, achieved through

³⁴ S/PV.5040, pp. 2-3.

³⁵ *Ibid.*, p. 4.

negotiation, would lead to a final resolution of the crisis in Darfur.³⁶

Recalling that the resolution failed to recognize the progress made by the Government of the Sudan, the representative of Pakistan held that his delegation could not endorse the use or threat of sanctions, which he believed would be unhelpful, and therefore had abstained from the vote on the resolution. Adding that the impact of the threat of sanctions directed explicitly and solely against the Government of the Sudan could have a broader potential impact than resolution 1556 (2004), he stated that, apart from being unfair, such a threat might provoke a response that would be counterproductive, threatening international humanitarian relief, hardening the position of the rebels and eroding the mediation efforts of the African Union.³⁷

In their statements, the other speakers generally welcomed the adoption of the resolution; expressed the hope that the resolution would serve the purpose of relieving the suffering of the civilian population in Darfur; regretted that the Government of the Sudan had not fulfilled its commitments, in particular those concerning the disarmament of the Janjaweed, the protection of the civilian population, and the bringing to trial of those responsible for war crimes and crimes against humanity; urged the Government of the Sudan to fulfil its commitments under resolution 1556 (2004); supported the work of the African Union both in its efforts to facilitate a political agreement between the rebels and the Government of the Sudan and the role of the African Union mission; and underlined the importance of establishing a commission of inquiry to help ensure that those who were responsible for war crimes and crimes against humanity were brought to justice.

The representative of the United States observed that the purpose of resolution 1564 (2004) was mainly threefold: first, to fully back the African Union in undertaking an increased mission in Darfur; second, to call for the urgent completion of the north-south Naivasha negotiations as well as the Darfur negotiations in Abuja; and third, to encourage the international community to fulfil its pledges of humanitarian assistance to Darfur. Noting that action was necessary because the Government of the Sudan

had failed to fully comply with resolution 1556 (2004), he recalled that the resolution stated that if the Government of the Sudan continued to persecute its people and did not cooperate fully with the African Union, the Council would have to consider sanctions against it and against individuals responsible for the crisis.³⁸

The representative of Germany, echoed by the representatives of France and the United Kingdom, observed that there had been some progress made by the Government of the Sudan in fulfilling its commitments, although its scope had been limited particularly with regard to the disarmament of the Janjaweed, the prosecution of human rights violations and the overall security situation for the population and the internally displaced persons in Darfur.³⁹ Observing that resolution 1564 (2004) struck the right balance between the application of pressure, which included the threat of sanctions without creating any automaticity, and the need for dialogue, the representative of Germany, supported by the representative of the United Kingdom, stated that pressure should be exerted on the Sudan in order to achieve the fulfilment of its responsibility to protect its own population. Stressing that the main point of the resolution was to support the role of the African Union in solving the crisis in Darfur and to obtain the cooperation of the Government of the Sudan with an expanded African Union mission, he noted that the Government of the Sudan should quickly take advantage of the present opportunity and demonstrate that it was prepared to take steps in the right direction, and concluded that the Council would have to keep the situation in the Sudan under close scrutiny in the coming weeks.⁴⁰

Similarly, the representative of France, in supporting the adoption of resolution 1564 (2004), stated that in order to pursue the sole objective of saving human lives, the Council should act resolutely and responsibly, exerting strong pressure on the Government of the Sudan and energetically supporting the African Union, whose role was essential if the requirements of the international community were to be met and the necessary cooperation of the Government of the Sudan was to be secured.

³⁶ Ibid., pp. 4-5.

³⁷ Ibid., pp. 6-7.

³⁸ Ibid., pp. 5-6.

³⁹ Ibid., p. 7 (Germany); p. 8 (France); and p. 9 (United Kingdom).

⁴⁰ Ibid., pp. 7-8 (Germany); and p. 9 (United Kingdom).

Nevertheless, as also noted by the representative of Benin, he had hoped the resolution would have received a higher number of favourable votes, given the importance of a united Security Council on such an issue.⁴¹

Echoed by the representative of Brazil, the representative of Benin supported the lead role of the African Union and voiced regret that a reference to Chapter VIII of the Charter, which would have highlighted the cooperation between the United Nations and the regional organization, had not been included in the text of resolution 1564 (2004). He also noted that the reference to the petroleum sector with respect to the threat of sanctions had lessened the prospect of a consensus given the controversial interpretations to which it might be subject.⁴²

Observing that the situation in Darfur remained extremely serious, the representative of the United Kingdom stated that it was appropriate for the Council to consider the issue under Chapter VII of the Charter. Recognizing that the progress achieved so far by the Government of the Sudan was provoked by the pressure of the international community, he believed that by repeating the clear threat of sanctions, the Council was underlining its commitment to ensuring that the Government of the Sudan achieved the targets set and met its responsibilities, the most basic of which was the protection of its own citizens. Adding that the resolution was equally addressed to the rebels, who were called upon to cooperate, he stressed that the resolution should not be interpreted as giving cover to the rebels to carry on their unacceptable behaviour.⁴³

Noting that he had voted in favour of the draft resolution on the understanding that its main thrust was to save lives in Darfur, the representative of Brazil was of the view that the resolution could have also acknowledged other positive steps taken by the Government of the Sudan, particularly those concerning the beginning of disarmament, improved security in certain areas of internally displaced persons and the deployment of additional police forces to the region. He noted with interest that the resolution also addressed the issue of the Sudanese rebel groups. In his view, however, the “excessive use of Chapter VII as an umbrella” for the whole operative part of the resolution

ran the risk of misleading the parties concerned, which might understand that the peaceful settlement of disputes and diplomatic negotiations were not options considered by the Council. As for the possibility of the Council considering additional measures as contemplated by Article 41 of the Charter, the representative of Brazil stated that it was his understanding that the Council was not prejudging the nature of its substantive decision to be taken at an appropriate time.⁴⁴

Considering resolution 1564 (2004) as a follow-up to resolution 1556 (2004), which had received wide support in the Council and which he considered the framework resolution for the Council’s consideration of the question of Darfur, the representative of Romania, joined by the representative of Spain, stated that the resolution was a fair balance between acknowledging progress and continuing to provide energetic and continuous engagement of the Sudan to fully comply with its commitments.⁴⁵ Recalling that the resolution contemplated the imposition of sanctions, he specified that it did not contemplate their automatic imposition, which remained a matter of an adequate and gradual approach in keeping with the evolution on the ground, since the Council should continue to work with the Government of the Sudan to implement its commitments.⁴⁶

The representative of the Philippines recalled that a State had the responsibility to protect its citizens and, if unable or unwilling to do so, the international community, and in particular the Security Council, had the moral and legal authority to enable that State to assume such a responsibility.⁴⁷

Acknowledging that resolution 1564 (2004) was balanced and pressured both the Government of the Sudan and the rebel groups to negotiate in good faith, the representative of Spain expressed hope that the Government’s promises to cooperate with the African Union would soon be fulfilled through “sufficient and well-defined steps”, since the crisis not only posed a threat to regional security, but also to international peace and security which, in turn, required the

⁴¹ Ibid., p. 8 (France); and p. 8 (Benin).

⁴² Ibid., p. 8 (Benin); and p. 10 (Brazil).

⁴³ Ibid., p. 9.

⁴⁴ Ibid., p. 10.

⁴⁵ Ibid., p. 11 (Romania); and p. 12 (Spain).

⁴⁶ Ibid., p. 11.

⁴⁷ Ibid., p. 12.

international community to assist in finding a solution.⁴⁸

The representative of the Sudan, rejecting resolution 1564 (2004) as unfair, stated that his Government had shown that it had honoured its commitments and questioned whether the reference to sanctions in the resolution would help to resolve the problem or complicate it further. He stated that the quality of the resolution might have been improved by delaying its adoption since, as it stood, the resolution discouraged the people of Darfur from seeking a solution to the current crisis, rather than encouraging them to maintain cooperation and ongoing participation towards peace. Opining that the adoption of the resolution had undermined negotiations and the African Union's efforts, he added that proof of this was that the rebels had recently set impossible conditions, which had been drawn from the text of the draft resolution as originally submitted to the Council.⁴⁹

**Deliberations of 5 October and 4 and
18 November 2004 (5050th, 5071st and
5080th meetings)**

At its 5050th meeting,⁵⁰ on 5 October 2004, the Council included in its agenda the report of the Secretary-General dated 28 September 2004.⁵¹ In his report, the Secretary-General observed that the special political mission mandated by resolution 1547 (2004) had been in place for three months, due to its relatively speedy initial deployment, with a considerably expanded focus since the adoption of resolution 1556 (2004). The Secretary-General also reported that work was under way to establish a future peace support operation to help facilitate the implementation of a comprehensive peace agreement between the Government and SPLM/A, although he expected considerable logistical and political challenges. Welcoming the decision of the Government and SPLM/A to resume negotiations in the context of the IGAD-led peace process, the Secretary-General observed that the parties were standing on the

threshold of an agreement and should work together to agree to mutually acceptable implementation modalities for the pre-interim and interim periods that would follow a comprehensive peace agreement. Restating that the IGAD-led peace process was central to comprehensive peace in the Sudan, he noted that the peace process required an irreversible momentum and a defining agreement that would signal a break with the past. A successful conclusion of the peace process, he added, could be a catalyst to addressing the Darfur crisis and the wider problems of economic and political marginalization that adversely affected many in the Sudan, signalling to other marginalized peoples and groups in the Sudan, particularly the rebel groups in Darfur, that negotiation could succeed and peace could be attainable through political compromise. He therefore urged the parties to seize the opportunity before them and use it to ensure that a comprehensive and lasting peace could take hold throughout the Sudan.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. The President (United Kingdom) drew the attention of the Council to the report of the Secretary-General dated 4 October 2004 on the Sudan.⁵² In his report, the Secretary-General observed that despite the fact that the progress made by the Government of the Sudan had not been reversed, the Government had not fully met its obligations in key areas such as: the implementation of the ceasefire, the stopping of attacks on the civilian population, the disarmament of the militia and the prosecution of the perpetrators of atrocities. He noted that the most important step to be taken in the coming weeks was the beginning of the deployment of the expanded African Union force with a broad mandate, which could include, inter alia, the protection of the rights of internally displaced persons and refugees in their areas of origin; the safety of displaced persons in the camps and the safe and voluntary return of refugees and internally displaced persons to the areas of origin; monitoring the behaviour and actions of the police; and disarming fighters, including the Popular Defence Forces, the Janjaweed and other militia groups. Noting that the protection of civilians was a task belonging to the Government of the Sudan, he nevertheless observed

⁴⁸ Ibid., pp. 12-13.

⁴⁹ Ibid., pp. 13-15.

⁵⁰ At its 5046th meeting, held in private on 30 September 2004, the Council heard a briefing by the Minister for Foreign Affairs of the Sudan and had a constructive exchange of views.

⁵¹ S/2004/763, submitted pursuant to paragraph 7 of resolution 1547 (2004).

⁵² S/2004/787, submitted pursuant to paragraph 15 of resolution 1564 (2004) and paragraphs 6, 13 and 16 of resolution 1556 (2004).

that such a task could not be left to the Government alone, since too much confidence had been lost. He therefore emphasized that a third party, such as the African Union, could help to protect people by being present over a wide area and by acting as a deterrent. Turning to the Naivasha peace talks, the Secretary-General reiterated that, if successful, resumption of the north-south talks would contribute to the attainment of a political solution in Darfur, serving as a model. He therefore invited all parties to invest all their political energy in reaching a final result at the Naivasha peace talks and urged the international community to ensure that the momentum was sustained.

In his briefing on the situation in Darfur, the Special Representative of the Secretary-General and head of the peace support operation stated that the Sudan had still not met its commitments in the key areas of systematically improving the security of civilians and making progress towards ending impunity. Regretting that there were still breaches of the N'Djamena ceasefire on both sides, he was of the view that a truly respected ceasefire could only come from the Abuja peace talks. Despite the lack of progress in the key areas of security and impunity, the Special Representative of the Secretary-General noted that resolution 1564 (2004) had laid a good foundation for further progress on the political front through supporting an expanded African Union mission and paving the way for resumed political negotiations. Turning to the peace talks in Naivasha between the Government and SPLM/A, he suggested that to ensure that the momentum was sustained, the Council could send a small mission to observe the peace talks and make clear that the international community would not easily accept further delays or hindrances from either party. Noting also that the Abuja talks on Darfur had been only partially successful, he found it deplorable that those had not addressed the main issues of political objectives and future economic development, especially since the lack of development represented one of the root causes of the crisis in the region. He therefore outlined three conditions to be met in order to achieve a comprehensive and sustainable solution to the conflicts in the Sudan: first, political leaders should protect citizens and guarantee their rights; second, the constitutional and institutional framework of the Sudan should reflect its existing diversities; and third, an economic development policy which fairly distributed the country's resources should be pursued. In helping the Sudan meet those conditions, the Special

Representative of the Secretary-General stated that the international community should follow a long-term, comprehensive and unified strategy, which would include providing adequate humanitarian assistance; ensuring security and addressing root causes of the conflicts; creating conditions for a swift transition from relief and protection to rehabilitation, capacity-building and development; increasing financial assistance; supporting a comprehensive political solution, including through the use of the agreements reached in the north-south protocols as a model; pressuring the political leaders to change their policies towards the above objectives; and building confidence between opposing groups and preventing the conflicts from turning into general antagonism between people with different religious and ethnic backgrounds.⁵³

At its 5071st meeting, on 4 November 2004, the Council included in its agenda the report of the Secretary-General dated 2 November 2004 on the Sudan.⁵⁴ In his report, the Secretary-General observed that, in spite of some progress in the peace talks, breaches of the ceasefire on an unacceptable scale had occurred including attacks and killings against civilians in Darfur. The failure of the Government to act convincingly to end impunity, as well as the increases in the numbers of internally displaced persons, he added, reflected the severity of the protection and security situation in Darfur. Recalling that the outcome of the north-south peace process could serve as a model for Darfur, he encouraged the international community to exercise a firm pressure on all parties to finalize the agreements by the end of the year and move to the implementation phase. He then added that negotiators at the north-south peace talks should commit themselves to working together to resolve the Darfur conflict immediately after the signature of the comprehensive agreement, for instance by strengthening and underpinning the political process already under way in Abuja. Observing that there was reluctance and distrust at the negotiation table in Abuja, he called on all parties and Member States with influence over the parties to reverse the worrisome trend. Finally, he called upon the Security Council to consider creative and prompt action to ensure effective

⁵³ S/PV.5050, pp. 2-5.

⁵⁴ S/2004/881, submitted pursuant to paragraph 15 of resolution 1564 (2004) and paragraphs 6, 13 and 16 of resolution 1556 (2004).

implementation of the demands set out in its earlier resolutions.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support operation. He expressed concern that the political agreements reached at the negotiating table might come too late to stop the rising violence and human suffering in Darfur and feared that the situation in Darfur might become unmanageable, and might easily enter a state of anarchy, unless greater efforts were made both at the negotiating table and on the ground. He therefore stated that the situation could be reversed only by a three-pronged approach: the speedy deployment of the expanded African Union force to deter violations; the speeding up of all negotiation processes; and ensuring that political leaders were held accountable for ongoing violations of agreements and violence. In conclusion, reiterating that the protection of people was the obligation of the Government of the Sudan and that movements were bound by the same principles of humanitarian law as formally recognized Governments, the Special Representative of the Secretary-General said that it was also the duty of the international community to consider further action if the action taken so far proved to be insufficient.⁵⁵

At the 5080th meeting, held in Nairobi, on 18 November 2004, statements were made by the President of Kenya, the Secretary-General, the First Vice-President of the Sudan, the representative of Nigeria in his capacity as Chair of the African Union, the Chairman of SPLM/A, and the President of Uganda in his capacity as Chairman of IGAD.

The President (United States) recalled that the Security Council was meeting in accordance with its resolution 1569 (2004). Observing that the location of the meeting was highly unusual, he stated that it was the demonstration of the very strong interest of the Council in the situation in the Sudan and its commitment to the country's future.⁵⁶

The President of Kenya, encouraged by the fact that the Council had decided to meet in Nairobi, stated that the international community should remain seized of the Naivasha peace process until the end, as the only

way to demonstrate its commitment to the realization of enduring peace for the people of the Sudan.⁵⁷

The Secretary-General welcomed the fact that the Council had taken the rare and highly symbolic step of meeting in Africa. With reference to the Naivasha peace process, he emphasized the importance of an early conclusion of the negotiations, before the end of the year between the Government of the Sudan and SPLM/A and of an immediate implementation of what had been agreed, to help curb the spread of conflict and as a basis for resolving other conflicts. Turning to the conflict in Darfur and welcoming the signing by the parties in Abuja of protocols on the humanitarian situation and on security, the Secretary-General called upon the parties to abide strictly by those agreements. At the same time, he regretted that the security situation in Darfur continued to deteriorate, as both the Government and the rebel groups had breached the ceasefire agreements. He therefore said that, when crimes on such a scale were being committed and when a sovereign State appeared unable or unwilling to protect its own citizens, the international community, and specifically the Security Council, had a responsibility to act. So far, he noted, the Council had decided to exercise its responsibility by demanding compliance with its mandatory resolutions, while giving its full support to the efforts of the African Union mediation and monitoring mission. After the conclusion of the Naivasha process, he said that it was time to quickly involve all Sudanese stakeholders in a national conference to discuss the future governance of the country, with the United Nations and the African Union joining to support the process.⁵⁸

Recalling that the Government of the Sudan had made genuine efforts in the search of peace and had taken part in serious negotiations without any preconditions, the representative of the Sudan reiterated his country's support to finalizing the Naivasha peace process as soon as possible and looked forward to a genuine partnership with the international community in the implementation of the peace agreement. He concurred with the Secretary-General's view that the peace agreement would open the door to conducting a national dialogue to form a broad-based Government including other parties that were not party to the Naivasha negotiations. With reference to the

⁵⁵ S/PV.5071, pp. 2-5.

⁵⁶ S/PV.5080, p. 2.

⁵⁷ *Ibid.*, p. 2.

⁵⁸ *Ibid.*, pp. 3-5.

situation in Darfur, reiterating his Government's commitment to all agreements reached in Abuja, he stated that the clear policy of his Government was to address the humanitarian situation, to end the fighting and all forms of hostility and to bring about sustainable development in the region. He also added that his country's vision of a political resolution in Darfur was based on the provisions of the Naivasha agreements and on the establishment of a foundation for decentralized government within a federal framework that provided the citizens of Darfur and the other peoples of the Sudan's governorates the ability to participate and to have additional authority in managing their own affairs.⁵⁹

The representative of Nigeria, in his capacity as Chair of the African Union, called for a total and comprehensive engagement of the Security Council and the international community in the peace process in the Sudan. Urging the parties to continue to cooperate with the Council and the international community to facilitate effective implementation of the resolutions adopted by the Council, he supported the Secretary-General's recommendation that outstanding issues should not be allowed to prevent the successful completion of the peace talks, since any delay in resolving them would adversely affect the United Nations pre-deployment arrangements in southern Sudan and other conflict areas.⁶⁰

The Chairman of SPLM/A reaffirmed the commitment of the movement to the peace process in the Sudan and to the Naivasha peace talks, assuring that SPLM/A was willing and prepared to work with the other party to swiftly complete and sign the framework comprehensive peace agreement in the shortest time possible. He then assured the Council that SPLM/A would seek to participate effectively in the coalition government of national unity and other levels of government to ensure the realization of a new political dispensation in the Sudan. He said that they were committed to the preservation of peace and the territorial integrity in the interim period, and to ensuring the holding of a free internationally monitored referendum on the right of self-determination for southern Sudan towards the end of the six-year interim period. Regarding the conflict in Darfur, recognizing that the situation was rapidly deteriorating, he held that

the only way forward would be to expedite the conclusion of the Naivasha peace talks and subsequently install a broad-based coalition Government of national unity that could best deal with such threats. Reiterating that he did not see any serious obstacles that would prevent the signing of the final peace agreement by the end of 2004, he called upon the Council to adopt a resolution that, *inter alia*, recognized the six protocols signed already by the Government of the Sudan and SPLM/A as binding and irreversible commitments that the parties could not under any circumstances renegotiate and that should be implemented.⁶¹

The President of Uganda, in his capacity as Chairman of IGAD, held that, in a situation of conflict where internal forces had failed to address the problem, the regional players, with a close knowledge of the problem and often directly affected, should first intervene, followed by the international bodies such as the United Nations. With reference to the situation in the Sudan, he observed that the six protocols agreed upon at the Naivasha peace talks were a reasonable package and therefore urged the parties to resolve the outstanding issues without delay.⁶²

⁶¹ *Ibid.*, pp. 9-12.

⁶² *Ibid.*, pp. 12-13.

⁵⁹ *Ibid.*, pp. 5-7.

⁶⁰ *Ibid.*, pp. 7-9.

Decision of 19 November 2004 (5082nd meeting): resolution 1574 (2004)

At the 5082nd meeting,⁶³ held in Nairobi on 19 November 2004, statements were made by all Council members, the representatives of Australia (also on behalf of New Zealand), Japan, the Netherlands (on behalf of the European Union),⁶⁴ Norway, the Sudan, the Chairman of SPLM/A, and the Director of African Administration and African-Arab cooperation of LAS (on behalf of the Secretary-General of LAS).⁶⁵ The President (United States) drew the attention of the Council to a draft resolution;⁶⁶ it was put to the vote and adopted unanimously as resolution 1574 (2004), by which the Council, *inter alia*:

Declared its strong support for the efforts of the Government of the Sudan and SPLM/A to reach a comprehensive peace agreement, encouraged the parties to redouble their efforts;

Urged the joint assessment mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of the Sudan;

Demanded that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, facilitate the safety and security of humanitarian staff, and reinforce throughout their ranks their agreements to allow unhindered access and passage by humanitarian agencies and those in their employ;

Decided to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

Strongly supported the decisions of the African Union to increase its mission in Darfur to 3,320 personnel;

Urged Member States to provide the required equipment, logistical, financial, material, and other necessary resources, and urged the Government of the Sudan and all rebel groups in Darfur to cooperate fully with the African Union.

After the vote, welcoming the balanced approach of the resolution which addressed coherently both the Naivasha negotiations in the framework of the north-south peace process and the Abuja negotiations on the Darfur conflict, many speakers, *inter alia*, applauded the initiative of the Council to hold a meeting on the Sudan in Africa; encouraged the Government of the Sudan and SPLM/A to sign a comprehensive peace agreement as soon as possible and, at the latest, by the end of the year; concurred that a successful conclusion of the Naivasha peace talks would also contribute to the solution of other conflicts, particularly the one in Darfur; expressed concern at the deteriorating humanitarian situation in Darfur; welcomed the signing in Abuja of the humanitarian and security protocols by the Government and the rebel groups and urged the parties to fulfil their obligations; and supported the efforts by the African Union and IGAD.

Reiterating that both the Government of the Sudan and the rebels should fulfil their commitments within the humanitarian and security protocols and end the attacks against the civilians in Darfur, the representative of the United Kingdom stated that resolution 1574 (2004) should not be interpreted as a reduction of the parties' commitments and obligations as set out in resolutions 1556 (2004) and 1564 (2004). Reiterating that the situation in the Sudan remained a threat to international security and stability in the region, he said that the Council needed to remain seized of the issue and stand ready to take tougher action if and when it was needed to enforce implementation.⁶⁷ Similarly, the representative of Spain stated that, if necessary, the Council should be prepared to take additional measures to oblige the parties to honour their commitments,⁶⁸ while the representative of France held that the parties should be aware that the Council would not fail to be extremely

⁶³ At its 5081st meeting, held in private in Nairobi on 18 November 2004, the Council heard statements by the Minister for Foreign Affairs of Egypt and the Special Envoy for the Intergovernmental Authority on Development on the Sudan. The members of the Council, the Secretary-General, the First Vice-President of the Sudan, the representative of Nigeria and representative of the Chairman of the African Union, and the Chairman of SPLM/A had a constructive exchange of views.

⁶⁴ Albania, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁶⁵ Norway was represented by its Minister of International Development; the Sudan was represented by its First Vice-President.

⁶⁶ S/2004/903.

⁶⁷ S/PV.5082, pp. 3-4.

⁶⁸ *Ibid.*, p. 7.

exacting to ensure that they complied fully with their commitments.⁶⁹ The representative of the United States emphasized that the resolution was a very clear message from the Council to the parties to stop the violence and atrocities perpetrated in Darfur.⁷⁰

The representative of the Russian Federation stated that an important part of stabilizing the situation in Darfur was to be played by the African Union monitoring mission, which, he added, should be appropriately supported. Further, he said, the Security Council should continue providing political assistance in the efforts to normalize the situation in Darfur and ensure implementation of agreements between the Sudan and the United Nations.⁷¹ The representative of China, echoed by the representative of Romania, noted that the signing of a comprehensive peace agreement would be only the first step in the north-south peace process, as the implementation of the agreement would be crucial. He therefore hoped that, once the agreement had been signed, the United Nations would deploy a peace operation and the international community would immediately begin a package of programmes to assist the Sudan in economic rehabilitation, development and reconciliation.⁷²

The representative of the Sudan confirmed his country's commitment to the implementation of the protocols and agreements signed, assuring the Council that the conclusion of the comprehensive peace agreement with SPLM/A was the quickest way to settle the crisis in Darfur.⁷³ Similarly, the Chairman of SPLM/A stated that his movement was committed to fulfilling the commitments that they had undertaken.⁷⁴

**Deliberations of 7 December 2004 to
16 February 2005 (5094th, 5109th, 5119th,
5120th and 5125th meetings)**

At its 5094th meeting, on 7 December 2004, the Council included in its agenda the report of the Secretary-General dated 3 December 2004.⁷⁵ In his

report, the Secretary-General observed that the optimism generated on the political front by the commitments of the Government of the Sudan and SPLM/A to conclude the north-south peace talks and reach a final peace agreement by 31 December, as well as the signature of the humanitarian and security protocols in Abuja by the Government and the rebel movements, had been overshadowed by regression in the security situation. Reporting that in Darfur chaos was looming as order was collapsing, with ceasefire violations perpetrated even a few days after the commitments made by the parties to the Abuja protocols, he called upon the parties to abide by their commitments. Expressing concern that some elements on both sides had an interest in undermining the chances of concluding a comprehensive peace agreement by the end of the year, the Secretary-General stated that spoilers could not be allowed to derail the peace process. Recognizing that the conclusion of a comprehensive peace agreement would raise tremendous challenges for a United Nations mission in the Sudan and for the international community at large, he reported that the United Nations had started planning for the implementation phase of such a mission.

The Council heard a briefing by the Under-Secretary-General for Political Affairs, who reported that the month of November was marked by an increase of violence and a deterioration of the security situation in Darfur, including increased clashes between Government forces and the Sudan Liberation Movement/Army (SLM/A); reports of attacks in Western Darfur by the National Movement for Reform and Development; and increased activity by the Janjaweed and other pro-Government militias, leading to clashes with the Sudan Liberation Army. While stating that SLA was thought to be responsible for instigating much of the violence, he held that ceasefire violations occurred on both sides and noted that the Government of the Sudan had made little progress in disarming the Janjaweed and other pro-Government militias. Stating that the Government's inaction regarding the disarming of the militia underlined the need to strengthen even further the capacity of the African Union Mission in the Sudan (AMIS), as the only monitoring mechanism present in Darfur, the Under-Secretary-General observed that he was encouraged by the Mission's robust approach to get the parties to comply with their commitments. Emphasizing that the Mission would continue to play a

⁶⁹ *Ibid.*, p. 13.

⁷⁰ *Ibid.*, p. 15.

⁷¹ *Ibid.*, pp. 4-5.

⁷² *Ibid.*, p. 5 (China); and p. 8 (Romania).

⁷³ *Ibid.*, p. 16.

⁷⁴ *Ibid.*, p. 17.

⁷⁵ S/2004/947, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), and paragraph 17 of resolution 1574 (2004).

critical role in establishing a secure environment, despite the increasingly challenging circumstances and the limited resources, he appealed to the international community to provide all necessary support to the Mission. Despite the escalation of violence in Darfur and the dire humanitarian situation, he noted that progress had been made at the negotiations in Abuja, with the next round of talks due to resume early in December to discuss the Declaration of Principles, which would form the basis of political objectives and institutions in Darfur.

Finally, recalling the pledge made in Nairobi by the Government and SPLM/A to conclude a final peace agreement by 31 December 2004, the Under-Secretary-General noted that the north-south peace talks provided some room for optimism since the technical-level discussions, as well as the high-level talks, had resumed in what was hoped would be the final round of talks. He concluded by stating that, once the comprehensive peace agreement had been signed, the Secretary-General would report to the Council and present his recommendations regarding the size, structure and mandate of a full mission to replace the existing advance mission, as recommended in resolution 1574 (2004).⁷⁶

At its 5109th meeting, on 11 January 2005, the Council included in its agenda the report of the Secretary-General dated 7 January 2005.⁷⁷ In his report, the Secretary-General observed that the situation in Darfur was in a political stalemate with regard to the peace talks, the parties having yet to commit to the implementation of the humanitarian ceasefire. With regard to reports that the armed groups were rearming and the conflict was spreading outside Darfur, the Secretary-General expressed his concern that a period of intense violence could occur unless swift action was taken. With regard to the political process itself, he held that action in three areas could be key to putting the Abuja process on the right track: first, encouraging the parties to commit themselves to proceeding with the political talks without further delay; second, assisting the parties to agree on a declaration of principles addressing the core issues of power and wealth-sharing, as well as integrating the

Darfur peace talks into the wider process of peacemaking in the Sudan; third, creating a broad and strong support base for a sustainable peace through reconciliation and restoration of the social fabric in the region. The Secretary-General concluded by noting that it was essential to deploy as many personnel on the ground as possible as all agreed that an international presence often dissuaded attacks. He underlined that the African Union force, itself under threat of attack, had done more than any other outside agent to improve the security situation on the ground and whatever new initiatives were undertaken, the African Union, both in its troops on the ground and its leadership of the political process, remained, for the foreseeable future, the best mechanism for promoting peace in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and head of the peace support mission, who stated that the signing on 9 January 2005 of the Comprehensive Peace Agreement between the Government of the Sudan and SPLM/A constituted a milestone which heralded the definitive end of nearly four decades of brutal conflict and marked the beginning of the peacebuilding process. The next priority task should be stopping the fighting and resolving the conflict in Darfur. Reporting that the armed groups were rearming and that the conflict was spreading outside Darfur, the Special Representative of the Secretary-General observed that, despite regular statements to the contrary, the parties had yet to commit in practice to the implementation of the humanitarian ceasefire. The stalemate at the negotiating table, he reported, had led to the worsening of the security situation on the ground which, in turn, had not contributed to the willingness of the parties to engage in a dialogue on the root causes of the conflict and on political objectives. Emphasizing that the parties must be persuaded that it was in their interest to respect the ceasefire and to pursue a settlement through peaceful means, he outlined eight steps to do so, namely, (1) de-linking the talks on the political future of Darfur from those concerning security and humanitarian access; (2) empowering the Darfur ceasefire institutions as in the case of the north-south conflict; (3) urging the Governments and the rebel movements to exercise full restraint, avoiding any attacks as well as retaliation; (4) encouraging the Government and the rebel movements to withdraw behind reasonable and well-defined lines; (5) ensuring that the parties identified practical means to ensure the basic survival needs of their forces to diminish stealing

⁷⁶ S/PV.5094, pp. 2-4.

⁷⁷ S/2005/10, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), and paragraph 17 of resolution 1574 (2004).

and looting; (6) calling upon the Government to make a new start by disarming the Popular Defence Forces; (7) convincing the rebel movements to avoid blocking or disrupting peaceful seasonal movements of nomadic tribes and their cattle; and (8) ensuring that the Government prosecuted those responsible for major violations of human rights. Acknowledging the political momentum derived by the signature of the Comprehensive Peace Agreement, he concluded that innovative action, consensus among all international actors, steady cooperation, perseverance and a well-defined common strategy were required.⁷⁸

At its 5119th meeting, on 4 February 2005, the Council included in its agenda the report of the Secretary-General dated 31 January 2005.⁷⁹ In his report, the Secretary-General observed that, following the signature of the Comprehensive Peace Agreement, the peace agreement should be immediately implemented and utilized to help to resolve other conflicts, particularly the one in Darfur. He recommended that the Security Council, acting under Chapter VI of the Charter, authorize the deployment of a multidimensional United Nations peace support operation with adequate resources, including a troop strength of 10,130, whose mandate would include, *inter alia*, providing good offices and political support for the peace process; monitoring adherence to the ceasefire and ensuring the security and freedom of movement of the United Nations personnel; taking action to protect civilians under imminent threat of physical violence; providing humanitarian assistance; and providing assistance to the Government of the Sudan in some aspects of governance, such as the development of a civilian administration and of a reformed police service.

The Council heard a briefing by the Special Representative of the Secretary-General and head of the peace support operation, who said that, in order to render peace sustainable, a comprehensive and unified approach was needed, addressing all causes of conflict in a holistic and balanced way, with peace and development being run by the Sudanese people themselves, and only facilitated by the international community.⁸⁰

⁷⁸ S/PV.5109, pp. 2-6.

⁷⁹ S/2005/57, submitted pursuant to resolutions 1547 (2004), 1556 (2004), 1564 (2004) and 1574 (2004).

⁸⁰ S/PV.5119, pp. 2-4.

At the 5120th meeting, on 8 February 2005, statements were made by the representative of the Sudan, the Chairman of SPLM/A, the Special Representative of the Secretary-General and head of the peace support operation, and the Special Representative of the Chairperson of the Commission of the African Union in the Sudan.⁸¹

The President (Benin) drew the attention of the Council to the reports of the Secretary-General dated 31 January 2005⁸² and 4 February 2005;⁸³ the latter documented the overall performance by the Government of the Sudan and the rebel movements in terms of action taken to fulfil obligations and commitments related to Darfur over the period of approximately six months, from the signing of the joint communiqué on 3 July 2004⁸⁴ and the adoption of resolution 1556 (2004) to February 2005. The President also drew attention to a letter dated 31 January 2005 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the International Commission of Inquiry on Darfur.⁸⁵

The President then made a statement on behalf of the members of the Council. Praising the signature of the Comprehensive Peace Agreement as an historic moment for the Sudan, the President stressed the great responsibility of the international community to assist the parties in fulfilling their commitments and expressed support for the initiative to convene a donors' conference. He noted that Council members were starting to work on a resolution on ways and means for the establishment of a full-fledged United Nations peace support operation to help implement the Agreement. On Darfur, the President voiced the Council's deep concern at the continued ceasefire violations as well as attacks on civilians, humanitarian workers and African Union observers. He expressed full endorsement for the constructive and crucial role played by the African Union, and supported the Secretary-General's recommendation that the United

⁸¹ The Sudan was represented by its First Vice-President.

⁸² S/2005/57, submitted pursuant to resolutions 1547 (2004) and 1574 (2004). See also the 5119th meeting above.

⁸³ S/2005/68, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004).

⁸⁴ See S/2004/635, annex.

⁸⁵ S/2005/60.

Nations peacekeeping operation under consideration should cooperate with and support the African Union mission in Darfur. To prevent a further deterioration of the situation in Darfur, the President urged all parties to resume the Abuja talks in good faith and, in particular, the Vice-President of the Sudan to assume his new responsibility as the Government's chief negotiator.⁸⁶

The representative of the Sudan assured the Council of his Government's continued cooperation with the United Nations and readiness to discuss the details of the upcoming peace support operation. He called on the international community to, *inter alia*, support the parties' efforts towards a sustainable and permanent peace and, in this connection, requested them to lift any economic and trade restrictions and sanctions. Stressing the importance of the Comprehensive Peace Agreement as a basis for solving other conflicts in the Sudan, he provided a comprehensive vision to quickly conclude negotiations on Darfur, encompassing humanitarian, security, social and economic as well as political issues. In closing, he reiterated his Government's intention to negotiate peace in all parts of the Sudan on the basis of the principles of democracy, decentralization, good governance and equal rights, while, at the same time, highlighting the importance of the international community's constructive support.⁸⁷

On the establishment of a United Nations peace support operation in the Sudan, the Chairman of SPLM/A indicated that discussions were needed on the size of the force and on the troop-contributing countries. Stressing that the Comprehensive Peace Agreement was based on the concept of a "one country-two systems model", he appealed to the United Nations to accept this concept and to always reflect it when dealing with the Government of National Unity. At the end of the six-and-a-half-year interim period envisioned by the Agreement, he noted, the south would vote on whether to preserve a unified Sudan or opt for self-determination. Emphasizing that SPLM/A could share its views on how to adapt the Comprehensive Peace Agreement to the conflicts in Darfur and in eastern Sudan, he suggested that the parties in Darfur should be encouraged, preferably in the presence of the United Nations, to accept the

Agreement as the basis for solving the conflict and commit themselves to a deadline for agreeing on the details of a negotiated settlement. He also strongly advised against waiting for a solution to Darfur before the implementation of the Comprehensive Peace Agreement, insisting that southern Sudan should be able to enjoy a peace dividend irrespective of a resolution of the Darfur crisis.⁸⁸

Introducing the report of the Secretary-General on Darfur dated 4 February 2005,⁸⁹ the Special Representative of the Secretary-General for the Sudan and head of the peace support operation reiterated that over the past six months, the performance of the Government had been uneven. While humanitarian access had improved, due to the lifting of restrictions on humanitarian assistance delivery, action on human rights, particularly measures to end impunity, had fallen short of what the Council had demanded and the ceasefire had not been complied with. He recalled that, although it had determined that the situation in Darfur was not genocide and that while the mass killings had stopped, the International Commission of Inquiry had concluded that the pattern of systematic violence had continued. The Special Representative of the Secretary-General stressed that violence could only be stopped by a third-party force and that any lasting solution required a political settlement. In this respect, he commented that the mandate of the African Union force was broad enough, but the force was too small and its deployment too slow, and appealed to all parties to find a creative way to expand the current force into one which could stop all attacks on civilians. Finally, he was of the view that with a third-party force acting as a buffer, the international community could help the parties in Darfur to reach a peace accord speedily, as in the case of the north-south peace process.⁹⁰

The Special Representative of the Chairperson of the Commission of the African Union in the Sudan, stating that the Secretary-General in his report on Darfur shared the African Union's concern over the deterioration of the security situation, said that the leadership of the African Union would carefully consider the recommendations of the Secretary-General on Darfur. On the deployment of the African Union force in Darfur, he informed the Council that, as at 7 February, of the 3,320 personnel that had been

⁸⁶ S/PV.5120, pp. 2-4.

⁸⁷ *Ibid.*, pp. 4-8.

⁸⁸ *Ibid.*, pp. 8-12.

⁸⁹ S/2005/68.

⁹⁰ S/PV.5120, pp. 12-15.

authorized, 370 military observers, 1,410 protection troops, 35 military police officers and 81 civilian police officers had been deployed, while 300 additional troops were expected from South Africa and Chad, with the expectation of achieving the full deployment in a few months. However, he emphasized that, regardless of the number of troops deployed, it was the responsibility of the Sudanese parties to bring the crisis to an end and he could not currently affirm that the parties had shown sufficient commitment in that regard.⁹¹

At its 5125th meeting, on 16 February 2005, the Council included in its agenda a letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur pursuant to resolution 1564 (2004).⁹²

The Council heard briefings by the Secretary-General and the United Nations High Commissioner for Human Rights. The President (Benin) drew the attention of Council members to a letter dated 8 February 2005 from the representative of the Sudan addressed to the President of the Council, containing the response of the Government of the Sudan to the report of the International Commission of Inquiry on Darfur;⁹³ and to a letter dated 23 January 2005 from the representative of the Sudan addressed to the President of the Council, transmitting a summary of the report of the Commission of Inquiry established by the President of the Sudan on 8 May 2004 to investigate alleged human rights violations committed by armed groups in Darfur.⁹⁴

In his introductory statement, the Secretary-General, stressing that the report of the International Commission of Inquiry constituted one of the most important documents in the recent history of the United Nations, noted that such report made for “chilling” reading and was a call to “urgent action”. He reported that the Commission had established that many people in Darfur had been the victims of atrocities perpetrated on a very large scale for which the Government of the Sudan and the Janjaweed were responsible, including war crimes and, very likely, crimes against humanity. He also noted that the Commission had found credible

evidence that rebel forces were responsible for serious violations, which might amount to war crimes. The Secretary-General recalled the Commission’s recommendation that the Council immediately refer the situation of Darfur to the International Criminal Court to ensure that those responsible for the aforementioned crimes were held accountable and did not go unpunished. The Secretary-General then appealed to the international community, led by the Security Council, to act urgently to stop further death and suffering in Darfur by considering the full range of options — including targeted sanctions, stronger peacekeeping efforts, new measures to protect civilians, and increased pressure on both sides for a lasting political solution.⁹⁵

In her briefing, the United Nations High Commissioner for Human Rights recalled that, following the adoption of Security Council resolution 1564 (2004), the Secretary-General had appointed five outstanding international legal and human rights experts to form the International Commission of Inquiry with a mandate to, first, investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; secondly, determine whether or not acts of genocide had occurred; and thirdly, identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable. Observing that they were clear and thoroughly documented, she reported that the Commission found that large-scale war crimes and crimes against humanity had been committed by Sudanese Government officials and by the Janjaweed militia and that, with regard to the rebels, the Commission had found credible evidence that members of SLM and the Justice and Equality Movement were also responsible for serious violations that might amount to war crimes. Secondly, she reported that the Commission had concluded that the Government of the Sudan had not pursued a policy of genocide, as the Commission did not find a demonstrated and specific intention, expressed as Government policy, to exterminate, in whole or in part, a national, ethnic, racial or religious group protected under the definition of genocide. However, she added, the Commission recognized that only a competent court could determine, on a case-by-case basis, whether individuals, including Government officials, ordered or participated in atrocities motivated by the genocidal

⁹¹ *Ibid.*, pp. 15-17.

⁹² S/2005/60.

⁹³ S/2005/77.

⁹⁴ S/2005/80.

⁹⁵ S/PV.5125, p. 2.

intent to exterminate a protected group, in which case they could be found guilty of genocide. She therefore held the view that nothing in the Commission's report precluded the possibility of individuals being convicted of acts of genocide in relation to the events in Darfur. Thirdly, the High Commissioner reported that the Commission had identified 51 individuals suspected of having committed international crimes in Darfur, although it had decided to withhold the names from the public domain. Noting that the Commission had also reviewed the steps taken by the Government of the Sudan and the judicial authorities to address those crimes, she reported that the Commission had concluded that both the Government and the judiciary institutions were unwilling and unable to act and that any new initiative proposed by the Government of the Sudan to address these crimes could not be supported due, in particular, to the extent of involvement of Government officials. She therefore underlined the Commission's recommendation that the Security Council refer the situation of Darfur to the International Criminal Court, as the only credible way to bring alleged perpetrators to justice, having advised against other measures such as, for example, the establishment of mixed courts or an ad hoc international tribunal. Recalling that the Court, activated by the Security Council's referral, would be empowered to prosecute any persons for acts committed in Darfur that amounted to any of the crimes listed under the Rome Statute, she stated that the Court could be activated immediately. She also noted that the Commission had suggested the establishment of an international compensation commission for the victims as well as other immediate actions, including, for example, the protection of witnesses and victims and granting full and unimpeded access by the International Committee of the Red Cross and by United Nations human rights monitors to all those detained by the Sudanese authorities in relation to the situation in Darfur. The High Commissioner concluded her statement by emphasizing that the findings of the Commission of Inquiry irrefutably demonstrated that peace in Darfur would not be sustainable without immediate access to justice.⁹⁶

**Decision of 10 March 2005 (5137th meeting):
resolution 1585 (2005)**

⁹⁶ *Ibid.*, pp. 3-5.

At the 5137th meeting, on 10 March 2005, the President (Brazil) drew the attention of the Council to a draft resolution;⁹⁷ it was put to the vote and adopted unanimously and without debate as resolution 1585 (2005), by which the Council, *inter alia*, decided to extend the mandate of the United Nations Advance Mission in the Sudan (UNAMIS), established by its resolution 1547 (2004), until 17 March 2005; and to remain actively seized of the matter.

**Decision of 17 March 2005 (5143rd meeting):
resolution 1588 (2005)**

At the 5143rd meeting, on 17 March 2005, the President (Brazil) drew the attention of the Council to a draft resolution;⁹⁸ it was put to the vote and adopted unanimously and without debate as resolution 1588 (2005) by which the Council, *inter alia*, decided to extend the mandate of UNAMIS until 24 March 2005; and to remain actively seized of the matter.

**Decision of 24 March 2005 (5151st meeting):
resolution 1590 (2005)**

At its 5151st meeting, on 24 March 2005, the Council included in its agenda the report of the Secretary-General dated 31 January 2005 and the addendum thereto dated 1 March 2005, including the financial implications for the deployment of a United Nations peacekeeping operation in the Sudan;⁹⁹ the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur;¹⁰⁰ and the reports of the Secretary-General dated 4 February 2005;¹⁰¹ and 4 March 2005.¹⁰² By the latter report, the Secretary-General observed the lack of any significant progress in the search for a political solution to the crisis in Darfur over the preceding month, as both sides had failed to capitalize on the momentum that was generated by the signing of the Comprehensive Peace Agreement. Following a meeting with the Chairperson

⁹⁷ S/2005/154.

⁹⁸ S/2005/173.

⁹⁹ S/2005/57 and Add. I. See also the 5119th meeting above.

¹⁰⁰ S/2005/60. See also the 5125th meeting above.

¹⁰¹ S/2005/68. See also the 5120th meeting above.

¹⁰² S/2005/140, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004) and paragraph 17 of resolution 1574 (2004).

of the African Union Commission, the Secretary-General reported that it had been agreed that an African Union-led assessment of current peacekeeping requirements in Darfur would be undertaken as a matter of urgency, with the United Nations and other key partners actively participating in the assessment. Finally, the Secretary-General emphasized that the international community should not miss the opportunity to strengthen the position of the African Union force in Darfur, as a fully staffed and effective AMIS would increase the chances that serious clashes could be prevented or minimized.

Statements were made by the Under-Secretary-General for Peacekeeping Operations and the representative of the Sudan. The President (Brazil) drew the attention of the Council to a draft resolution;¹⁰³ it was put to the vote and adopted unanimously and without debate as resolution 1590 (2005), by which the Council, *inter alia*:

Decided to establish the United Nations Mission in the Sudan (UNMIS) for an initial period of six months and further decided that UNMIS would consist of 10,000 military personnel and 715 civilian personnel;

Requested the Secretary-General to report to the Council within 30 days on options for how UNMIS could reinforce the effort to foster peace in Darfur;

Requested that the Secretary-General transfer all functions performed by UNAMIS to UNMIS and keep the Council regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS;

Requested that the Secretary-General continue to report on a monthly basis on the situation in Darfur;

Requested the Secretary-General to take the necessary measures to achieve actual compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse;

And, acting under Chapter VII of the Charter:

Decided that UNMIS was authorized to take the necessary action, in the areas of deployment of its forces and as it deemed within its capabilities, to protect United Nations personnel, facilities, installations, and equipment;

Requested that the Secretary-General and the Government of the Sudan, following appropriate consultation with SPLM, conclude a status-of-forces agreement within 30 days of the adoption of the resolution;

Underscored the immediate need to rapidly increase the number of human rights monitors in Darfur and urged the Secretary-General and the United Nations High Commissioner for Human Rights to accelerate the deployment of human rights monitors in Darfur to move forward with the formation of civilian monitoring protection teams.

After the adoption of the draft resolution, the Under-Secretary-General for Peacekeeping Operations, speaking on behalf of the Secretary-General, welcomed the Council's decision authorizing the establishment of UNMIS. Stating that UNMIS would play a key role in assisting the implementation of the Comprehensive Peace Agreement and reinforce efforts to foster peace in Darfur, especially through supporting AMIS, he underlined the necessity to have the full cooperation of the parties to overcome the serious political hurdles that continued to confront the peace process. He warned that the United Nations would face unprecedented logistical obstacles in establishing a United Nations peace support operation in the Sudan given its extreme climate and prohibitive terrain. On Darfur, he welcomed the Council's explicit wish to reinforce efforts to foster peace, especially through support by UNMIS to the African Union mission. Stating that it was clear that the present state of affairs in Darfur could not be accepted, he recalled the clear recommendation of the International Commission of Inquiry that the Council immediately refer the situation to the International Criminal Court and stressed that "sanctions must also be kept on the table".¹⁰⁴

Reiterating his country's full commitment to implementing the Comprehensive Peace Agreement, the representative of the Sudan welcomed the establishment of UNMIS and expressed his gratitude for the Council's efforts at supporting the implementation of the peace agreement. He asserted that his Government would continue to work towards creating a government of national unity that would carry out repatriation and reconstruction and stop the conflict in Darfur, and called on the Council to support his country in assuming its responsibilities.¹⁰⁵

**Decision of 29 March 2005 (5153rd meeting):
resolution 1591 (2005)**

At its 5153rd meeting, on 29 March 2005, the Council again included in its agenda the report of the Secretary-General dated 31 January 2005 and the

¹⁰³ S/2005/198.

¹⁰⁴ S/PV.5151, pp. 2-3.

¹⁰⁵ *Ibid.*, pp. 3-4.

addendum dated 1 March 2005;¹⁰⁶ the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council;¹⁰⁷ and the reports of the Secretary-General dated 4 February 2005¹⁰⁸ and 4 March 2005.¹⁰⁹

Statements were made by the representatives of Algeria, China, the Russian Federation, the Sudan, the United Republic of Tanzania and the United States. The President (Brazil) drew the attention of the Council to a draft resolution submitted by the United States,¹¹⁰ which was put to a vote. It received 12 votes to none, with 3 abstentions (Algeria, China, Russian Federation), and was adopted as resolution 1591 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments, to establish a Committee of the Security Council consisting of all the members of the Council to monitor implementation of the measures referred to in the resolution and paragraphs 7 and 8 of resolution 1556 (2004);

To request the Secretary-General to appoint for a period of six months, within 30 days, a Panel of Experts comprising four members and based in Addis Ababa, to travel regularly to El-Fasher and other locations in the Sudan, and to operate under the direction of the Committee;

That those individuals who impeded the peace process, constituted a threat to stability in Darfur and the region, committed violations of international humanitarian or human rights law or other atrocities, violated the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of the resolution as implemented by a State, or were responsible for offensive military overflights described in the resolution, should be subject to the measures identified below;

That all States should take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee;

That all States should freeze all funds, financial assets and economic resources that were on their territories on the date of adoption of the resolution or at any time thereafter, that were owned or controlled, directly or indirectly, by the persons designated by the Committee;

Decided that the measures referred to in the resolution should enter into force 30 days from the date of adoption, unless

¹⁰⁶ S/2005/57 and Add.1.

¹⁰⁷ S/2005/60.

¹⁰⁸ S/2005/68.

¹⁰⁹ S/2005/140.

¹¹⁰ S/2005/206.

the Security Council determined before then that the parties to the conflict in Darfur had complied with all the commitments and demands referred to therein.

Speaking after the vote, the representative of Algeria, supporting the approach of the African Union to the settlement of the crisis in Darfur, regretted that the Council had been unable to adopt the resolution unanimously. Noting that there was consensus within the Council on the need to send a strong message to the parties to encourage them to return unconditionally to the Abuja peace talks and terminate the attacks against civilians, he stated that constructive proposals, in line with those of the African Group, had been put forward to rebalance the text of the resolution. Recalling his doubts concerning the usefulness of certain measures laid down by the resolution regarding the evolution of the crisis in Darfur and the negative impact they might have on the north-south peace process, he felt that the resolution did not take into consideration the early signs of a trend towards both parties respecting the ceasefire and regretted that the sponsors of the draft resolution had not made any effort to promote a consensus.¹¹¹

The representative of the Russian Federation held the view that the potential of political and diplomatic measures to defuse the conflict in Darfur had not been exhausted and stated that implementing such measures was particularly relevant at the beginning of the deployment of the United Nations peacekeeping operation in the south of the Sudan. Adding that it was important to give time to the Government of National Unity to show itself in a positive light, including with regard to Darfur, he stated that the imposition of sanctions against the Government was unlikely to create a constructive atmosphere for those efforts. He reiterated that sanctions were also hardly likely to help in drawing up an effective mechanism to assist the parties to quickly resume and move forward in the Abuja peace talks and raised doubts as to the practical ability to implement the sanctions regime imposed by the Security Council. He therefore emphasized that, if the situation allowed, the Council should as quickly as possible review the decision to impose an arms embargo, particularly in the light of the formation of the coalition Government of the Sudan, and take into account that both the African Union and LAS were unequivocally opposed to the strengthening of sanctions in the Darfur context. In these circumstances,

¹¹¹ S/PV.5153, pp. 2-3.

he concluded, his delegation was regrettably not in a position to support the resolution.¹¹²

Expressing his delegation's serious reservations about the resolution, the representative of China emphasized that his country had always taken a cautious approach to the issue of sanctions, abstaining on both resolutions 1556 (2004) and 1564 (2004). He therefore noted that it had been his delegation's consistent view that in dealing with the issue of Darfur, the Council should exercise the greatest caution with respect to measures that could make negotiations more difficult and have a negative impact on the peace process.¹¹³ The representative of the United Republic of Tanzania stated that the situation in Darfur — with the peace process stalled and no sign of improvement in the humanitarian situation — had compelled him to vote for the resolution. Recalling that, following the signature of the Comprehensive Peace Agreement, the Government of the Sudan had committed to pursue a peaceful solution to the Darfur crisis, he observed that the new transitional Government should not be immediately subjected to a sanctions regime and should be given a chance to start in a positive atmosphere and an unfettered environment, and therefore appealed to the Council to consider reviewing the measures as soon as the new Government was in place.¹¹⁴

The representative of the Sudan argued that measures such as sanctions complicated the situation, since the Abuja negotiations had remained stalemated precisely because the other side had been waiting for the Council to impose sanctions against the Government.¹¹⁵ The representative of the United States pointed out that 12 members of the Council, including two African States, had voted for the resolution, which, he hoped, would address the situation in Darfur, contribute to ending the violence and lead to a successful resolution of the Abuja peace process.¹¹⁶

**Decision of 31 March 2005 (5158th meeting):
resolution 1593 (2005)**

At its 5154th meeting, on 30 March 2005, the Council continued its consideration of the letter dated

31 January 2005 from the Secretary-General addressed to the President of the Council.¹¹⁷ The President (Brazil) informed Council members that, following a request from the delegation of France, he had agreed to delay the consideration of the item for 24 hours.

At its 5158th meeting, on 31 March 2005, the Council resumed its consideration of the item. All members of the Council, as well as the representative of the Sudan, made statements. The President drew the attention of the Council to a draft resolution submitted by the United Kingdom,¹¹⁸ which was put to a vote. It received 11 votes to none, with 4 abstentions (Algeria, Brazil, China, United States), and was adopted as resolution 1593 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

Decided that the Government of the Sudan and all parties to the conflict in Darfur should cooperate with the Court and the Prosecutor; invited the Court and the African Union to discuss practical arrangements that would facilitate the work of the Prosecutor;

Also encouraged the Court to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;

Decided that nationals, current or former officials or personnel from a contributing State outside Sudan which was not a party to the Rome Statute of the International Criminal Court should be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in the Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction had been expressly waived by that contributing State;

Recognized that none of the expenses incurred in connection with the referral should be borne by the United Nations and that such costs should be borne by the parties to the Rome Statute and those States that wished to contribute voluntarily.

After the vote, the representative of the United States stated that, by adopting the resolution and referring the situation in Darfur to the International Criminal Court for investigation and prosecution, the international community had established an accountability mechanism for the perpetrators of crimes and atrocities in Darfur. While expressing her delegation's preference for a hybrid tribunal in Africa,

¹¹² *Ibid.*, p. 3.

¹¹³ *Ibid.*, pp. 4-5.

¹¹⁴ *Ibid.*, pp. 5-6.

¹¹⁵ *Ibid.*, pp. 6-7.

¹¹⁶ *Ibid.*, p. 7.

¹¹⁷ S/2005/60. See also the 5125th meeting above.

¹¹⁸ S/2005/218.

she held that it was important that the international community could speak with one voice in order to help promote effective accountability. Pointing to her delegation's objection to the principle that the Court should be able to exercise jurisdiction over the nationals, including government officials, of States not parties to the Rome Statute, she explained that her country was obliged to abstain in the voting on the resolution. She noted, however, that her delegation had not opposed the resolution because of the need for the international community to work together in order to end the climate of impunity in the Sudan and because it provided protection from investigation or prosecution for United States nationals and members of the armed forces of non-State parties.¹¹⁹

The representative of Algeria, explaining his delegation's abstention, reaffirmed that fighting impunity was a crucial element for the entrenchment of peace and stability but that the African Union was best placed to take charge of such a delicate undertaking. Regretting that the Council had not taken into consideration the proposal of the African Union based on justice and reconciliation, he maintained that the Council could not claim to be supportive of the African Union and then simply ignore its proposals.¹²⁰

The representative of China, while stressing the need to end impunity, believed that, when trying to ensure justice, it was also necessary to make every effort to avoid any negative impact on the political negotiations in Darfur, promote national reconciliation, as well as sustain the results of the north-south peace process. He therefore stated that his delegation would have preferred trials under the Sudanese judicial system, with appropriate technical assistance and monitoring by the international community to ensure the transparency and credibility of trials. Emphasizing that his country was not in favour of referring the question of Darfur to the International Criminal Court without the consent of the Government of the Sudan, he further explained that his delegation was afraid that it would not only severely complicate efforts to secure an early settlement of the Darfur issue, but also have unforeseeable consequences for the north-south peace process. Finally, recalling that China was not a State party to the Rome Statute and had major reservations regarding certain of its provisions, he said that his

delegation could not accept any exercise of the jurisdiction of the International Criminal Court against the will of non-State parties or endorse any Security Council authorization of such an exercise of jurisdiction by the Court.¹²¹

The representative of Brazil said that his country was in favour of the referral of the situation in Darfur to the International Criminal Court, but had not been able to join those who had voted in favour of the resolution, although it stood ready to fully cooperate with the Court. Reiterating that the Court provided all the necessary checks and balances to prevent possible abuses and politically motivated misuse of its jurisdiction, he nevertheless stated that the referral of criminal matters to the Court should not be approved at any cost. Noting that there were limits to negotiating the approval of the referral within the Council, which referred, first, to the responsibilities of the Council vis-à-vis an international instrument; secondly, to the integrity of the Rome Statute, which counted 98 ratifications; and thirdly, to the consistency of the position that his country had sustained since the negotiations on the Rome Statute, he stated that, for those reasons, his delegation abstained in the voting on the resolution. He explained that for the sake of the referral, he noted that his Government had agreed during negotiations to provisions that posed a serious level of difficulty for them, such as the exemption from jurisdiction for nationals of countries not parties to the statute. To go further would constitute a risky interference of the Council in the constitutional basis of an independent judicial body. He noted several other references in the resolution that were substantial issues that would not contribute to strengthening the role of the International Criminal Court. Therefore, his delegation had been prevented from voting in favour of a proposal that would be the appropriate instrument to help end impunity in Darfur.¹²²

The other members of the Council, who had voted in favour of the resolution, in line with the recommendations of the International Commission of Inquiry, welcomed the decision of the Council to refer the situation in Darfur to the International Criminal Court as the most efficient and effective way to deal with impunity and ensure justice to the people of Darfur.¹²³ The representatives of the Philippines,

¹¹⁹ S/PV.5158, pp. 2-4.

¹²⁰ *Ibid.*, pp. 4-5.

¹²¹ *Ibid.*, p. 5.

¹²² *Ibid.*, p. 11.

¹²³ *Ibid.*, p. 6 (Denmark, Philippines); pp. 6-7 (Japan); p. 7

Argentina and Benin expressed regret that the resolution contained a provision of immunity from jurisdiction, which ran counter to the spirit of the Rome Statute,¹²⁴ while the representatives of Denmark, Greece and the United Republic of Tanzania underlined that they were unable to accept that the resolution be in any way interpreted as seeking to circumvent the jurisdiction of the Court.¹²⁵

The representative of the Sudan regretted the adoption of the resolution as it would further complicate the situation on the ground. Recalling that his country was not a party to the Rome Statute, he noted that the exceptions contained in the resolution made its implementation extremely difficult and condemned the International Criminal Court as a tool to “impose cultural superiority”. He also voiced regret that the adoption of the resolution had occurred at a time when the Sudanese judiciary had significantly progressed in addressing impunity, and expressed the conviction that it would have been perfectly able to hold criminals accountable.¹²⁶

**Decision of 12 May 2005 (5177th meeting):
statement by the President**

At its 5176th meeting, on 12 May 2005, the Council included in its agenda the report of the Secretary-General on United Nations assistance to the African Union Mission in the Sudan dated 3 May 2005,¹²⁷ and the monthly report of the Secretary-General on Darfur dated 10 May 2005.¹²⁸

In his report on the United Nations assistance to AMIS, the Secretary-General observed that, although effective in the areas of its deployment, AMIS needed to be strengthened in order to expand its presence to the more vast and difficult terrain of Darfur. However,

while AMIS could continue to rely on external support by UNMIS, the Secretary-General cautioned that the assistance that UNMIS could provide was limited, as the latter should focus all of its resources and attention on deploying in support of the Comprehensive Peace Agreement, and not be compromised or unduly strained in the delicate start-up phase. The Secretary-General therefore stated that UNMIS could assist AMIS in a number of areas which included, *inter alia*: identification and support of police personnel; development of detailed operational plans for the expansion of AMIS; and technical advice in the areas of logistics, planning and management and training. Congratulating AMIS for having accomplished a remarkable amount in a very short time and despite significant constraints, the Secretary-General invited the States members of the African Union to identify personnel to join AMIS; called on the African Union Commission to strengthen planning and management capacity in order to support an expanded mission; and urged partners to provide the African Union with the means required to carry out its mission in Darfur.

In his monthly report on Darfur dated 10 May 2005, the Secretary-General reported that both the rebel movements and the militias had violated existing agreements and previous Security Council resolutions, continuing to manoeuvre to improve their positions while the peace talks remained stalled. Noting that tension in Darfur had increased, the Secretary-General urged the Government to make clear its acceptance of all Security Council resolutions, and to ensure that a cooperative policy was reflected by its officials at all levels. He therefore concluded by stating that events had clearly demonstrated that, without progress on the political level, the suffering of the civilian population of Darfur would continue, and called on all sides at the next round of the Abuja peace talks to act responsibly.

The Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, who stated that the two reports of the Secretary-General were complementary. With regard to the monthly report on Darfur, he recalled that the report made it clear that instability, violence and civilian suffering continued in the region throughout the previous month and that a lasting solution could be found only through serious political engagement by the parties within the Abuja process, which had witnessed no tangible progress, as well as a considerable strengthening, in the short term, of AMIS. Concerning the report on the

(United Kingdom); pp. 7-8 (Argentina); pp. 8-9 (France); p. 9 (Greece, United Republic of Tanzania); p. 10 (Romania, Russian Federation); and pp. 10-11 (Benin).

¹²⁴ *Ibid.*, p. 6 (Philippines); p. 7 (Argentina); and p. 10 (Benin).

¹²⁵ *Ibid.*, p. 6 (Denmark); and p. 9 (Greece and United Republic of Tanzania).

¹²⁶ *Ibid.*, pp. 12-13.

¹²⁷ S/2005/285, submitted pursuant to resolution 1590 (2005).

¹²⁸ S/2005/305, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

United Nations assistance to AMIS, the Assistant Secretary-General recalled that the African Union Peace and Security Council, on 28 April, had decided to more than double the size of AMIS. The Secretary-General had also proposed a number of areas where the United Nations could provide some support to the African Union, the modalities of which had been accepted by the African Union Commission. He stated that all possible steps should be taken to ensure that AMIS received the donor support required to expand expeditiously and effectively.¹²⁹

At its 5177th meeting, on 12 May 2005, the Council continued its consideration of the report of the Secretary-General on United Nations assistance to the African Union Mission in the Sudan dated 3 May 2005,¹³⁰ and the monthly report of the Secretary-General on Darfur dated 10 May 2005.¹³¹ The President (Denmark) made a statement on behalf of the Council,¹³² by which the Council, *inter alia*:

Applauded the vital leadership role the African Union was playing in Darfur and the work of AMIS on the ground; supported the findings of the joint assessment mission and also supported the subsequent decision taken by the African Union Peace and Security Council on 28 April 2005 to expand its mission in Darfur to 7,731 personnel by the end of September 2005;

Welcomed the ongoing deployment of UNMIS and looked forward to close coordination and cooperation between UNMIS and AMIS;

Emphasized the importance of increased coordinated international assistance for the African Union effort in Darfur and the readiness of the United Nations to continue playing a key role.

Deliberations of 29 June 2005 (5216th meeting)

At its 5216th meeting, on 29 June 2005, at which no statements were made by Council members, the Council heard a briefing by the Prosecutor of the International Criminal Court. The President (France) drew the attention of the Council to the letter dated 31 January 2005 from the Secretary-General addressed to the President of the Council, transmitting the report of the International Commission of Inquiry on Darfur pursuant to resolution 1564 (2004).¹³³

¹²⁹ S/PV.5176, pp. 2-4.

¹³⁰ S/2005/285.

¹³¹ S/2005/305.

¹³² S/PRST/2005/18.

¹³³ S/2005/60.

In his briefing, the Prosecutor reported that, following the adoption of resolution 1593 (2005), the Court had initiated an extensive process of information gathering, analysis and admissibility assessment. Adding that the language of resolution 1593 (2005) should be converted into reality as soon as possible, he emphasized that the continued reporting to and engagement of the Security Council on those matters was vital. Noting that the referral of the situation in Darfur to the Court had brought an international, independent and impartial justice component to the collective international and regional efforts to end violence in Darfur, he stated that his office would work expeditiously to identify those individuals who bore the greatest responsibility for the crimes and to assess the admissibility of the selected cases.¹³⁴

Deliberations of 22 July 2005 (5231st meeting)

At its 5231st meeting,¹³⁵ on 22 July 2005, the Council included in its agenda the monthly report of the Secretary-General on Darfur dated 18 July 2005.¹³⁶ In his report, the Secretary-General observed that the overall situation in Darfur had improved considerably and that progress had been achieved in the humanitarian, security and human rights areas. However, he added, remaining obstacles needed to be acknowledged and addressed quickly, including, *inter alia*, the harassment of aid workers in Southern Darfur, the security situation as a whole, impunity and disarmament. Recognizing that the deployment of AMIS had helped to restore confidence, the Secretary-General stated that, although the responsibility of protecting the population remained in the hands of the local authorities, an expansion in the cooperation with AMIS could only improve the security situation on the ground. Finally, the Secretary-General welcomed the positive attitude by the authorities who had indicated their willingness to strengthen cooperation with the international community and leaders of internally displaced persons to establish a true partnership in

¹³⁴ S/PV.5216, pp. 2-4.

¹³⁵ At its 5217th meeting, held in private on 29 June 2005, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

¹³⁶ S/2005/467, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

addressing the challenges facing the civilian population in Darfur.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS. Recalling that the approach taken by the Security Council was based on the positive effects of the Comprehensive Peace Agreement on other conflict situations in the Sudan, the Special Representative confirmed that the Agreement had had a “snowball” effect, reporting that the fifth round of the Abuja talks had made progress and led to the signing of the declaration of principle that would form the basis for future talks. He therefore urged the parties, despite the challenges, to do their utmost to implement the Agreement in full. With regard to UNMIS, he reported that, although the Mission was deploying steadily, it was meeting a number of difficulties which included, inter alia, the delay of some Member States’ contributions, the lack of infrastructure in the Sudan, and the adverse climatic conditions. Recalling that only one year earlier the international community had started to address the Sudanese problem with a comprehensive strategy, consisting of humanitarian, political and military chapters, the Special Representative held that a change in strategy was not required, although underlining that an intensification of the strategy, as well as a commitment to add an economic chapter, was crucial.¹³⁷

**Decision of 2 August 2005 (5245th meeting):
statement by the President**

At the 5245th meeting, on 2 August 2005, in which the representative of the Sudan was invited to participate, the President (Japan) made a statement on behalf of the Council,¹³⁸ by which the Council, inter alia:

Expressed its profound regret over the death of the First Vice-President of the Sudan Mr. John Garang de Mabior in a helicopter crash on 30 July 2005; commended the perseverance and commitment which the parties in the Sudan demonstrated in achieving the Comprehensive Peace Agreement and the promise of a new future; called on all Sudanese to honour his memory by restoring peace and calm throughout the Sudan;

Stressed that the death of Mr. Garang should not deter the struggle of the Sudanese people for justice and dignity; and encouraged the people of the Sudan to refrain from violence and maintain peace in the midst of mourning;

¹³⁷ S/PV.5231, pp. 2-5.

¹³⁸ S/PRST/2005/38.

Reiterated its determination to assist the Sudanese people in their efforts to promote national reconciliation, resolve the conflict in Darfur and restore peace and stability throughout the country, and to build a prosperous and united Sudan.

**Decision of 23 September 2005 (5269th
meeting): resolution 1627 (2005)**

At its 5269th meeting, on 23 September 2005, the Council included in its agenda the report of the Secretary-General on the Sudan dated 12 September 2005.¹³⁹ In his report, providing an assessment of the overall situation in the country, the Secretary-General observed that the implementation of the Comprehensive Peace Agreement was on track, although the formation of the Government of National Unity had encountered some difficulties. Regretting the delays in the deployment of UNMIS, due to a combination of administrative and logistical problems, the Secretary-General recommended that the mandate of UNMIS be renewed for a further period of 12 months.

The President (Philippines) drew the attention of the Council to a draft resolution;¹⁴⁰ it was put to the vote and adopted unanimously and without debate as resolution 1627 (2005), by which the Council, inter alia:

Decided to extend the mandate of UNMIS until 24 March 2006, with the intention to renew it for further periods;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, including its work to reinforce the efforts of AMIS to foster peace in Darfur.

**Decision of 13 October 2005 (5277th meeting):
statement by the President**

At the 5277th meeting, on 13 October 2005, the President (Romania) made a statement on behalf of the Council,¹⁴¹ by which the Council, inter alia:

Expressed its grave concern at recent reports on an upsurge of violence in Darfur and insisted that all parties strictly abide by past ceasefire agreements;

Strongly condemned the attacks by armed groups which killed peacekeepers and civilians; urged all parties to ensure humanitarian access in Darfur;

¹³⁹ S/2005/579.

¹⁴⁰ S/2005/599.

¹⁴¹ S/PRST/2005/48.

Expressed its support for AMIS and recalled that the Government of the Sudan and Darfur rebel movements had to take necessary steps to facilitate the deployment and effectiveness of AMIS;

Remained firmly committed to the cause of peace in all of the Sudan and urged all parties to conclude a peace agreement without further delay.

**Deliberations of 13 December 2005
(5321st meeting)**

At its 5321st meeting, on 13 December 2005, at which no statements were made by Council members, and in the presence of the Secretary-General, the Council heard a briefing by the Prosecutor of the International Criminal Court.

Reporting on the activities undertaken by the Court since his last update to the Council, the Prosecutor stated that, since the launch of investigations on 1 June 2005, his Office had started the first phase of the investigation, which consisted in gathering facts relating to the universe of crimes alleged to have been committed in Darfur, as well as to the groups and individuals responsible for those crimes. Afterwards, he said, the second phase of the investigation would focus on a selected number of criminal incidents and on those persons bearing the greatest criminal responsibility for those incidents. In light of the climate of insecurity and the lack of an effective system of protection, the Prosecutor reported that investigative activities had so far only taken place outside Darfur and that, despite those limitations, significant progress had been made. Following the establishment, on 22 September 2005, of the Government of National Unity, he reported that, in the lead-up to the transition, his Office had not made formal requests of the Sudan for assistance, but contacts with Sudanese authorities had been maintained. Recalling that the investigation of the situation in Darfur was taking place within a context of ongoing violence and multiple efforts to secure peace, as well as a complex process of political transition, the Prosecutor stated that his Office would continue to be sensitive to those dynamics while at the same time being conscious that accountability for the most serious crimes alleged to have been committed in Darfur was an essential component to an effective peace and transition. He therefore concluded that, after having made the first steps towards a cooperative relationship, during the next phase, his Office would seek the further assistance and cooperation of the Government

of the Sudan in relation to the process of fact-finding and evidence-gathering.¹⁴²

Decisions of 21 December 2005 (5342nd meeting): resolution 1651 (2005) and statement by the President

At the 5342nd meeting,¹⁴³ on 21 December 2005, the President (United Kingdom) drew the attention of the Council to a draft resolution;¹⁴⁴ it was put to the vote and adopted unanimously and without debate as resolution 1651 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to extend the mandate of the Panel of Experts appointed pursuant to resolution 1591 (2005) until 29 March 2006, and requested the Secretary-General to take the necessary administrative measures;

Requested the Panel of Experts to report and make recommendations to the Council, through the Committee established by paragraph 3 (a) of resolution 1591 (2005), prior to the termination of its mandate, on the implementation of the measures imposed by paragraphs 3, 6 and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004).

After the adoption of the resolution, the President made a statement on behalf of the Council,¹⁴⁵ by which the Council, inter alia:

Welcomed the commencement in Abuja, of the seventh round of the African Union-led inter-Sudanese peace talks on Darfur;

Called on all parties to the conflict to fulfil their commitments to conclude a just and full peace accord without further delay; demanded that all parties refrain from violence and put end to atrocities on the ground, especially those committed against civilians;

Demanded that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N'Djamena Ceasefire Agreement, end impediments to the peace process and cooperate fully with AMIS, and that the Government of the Sudan disarm and control militias;

Further demanded that those responsible for violations of human rights and international humanitarian law be brought to justice without delay;

¹⁴² S/PV.5321, pp. 2-4.

¹⁴³ At its 5322nd meeting, held in private on 13 December 2005, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

¹⁴⁴ S/2005/812.

¹⁴⁵ S/PRST/2005/67.

Reaffirmed its determination to make full use of existing measures under the relevant Security Council resolutions on the Sudan, including holding accountable those responsible for violence and violations of the arms embargo, and those who impeded the peace process;

Appealed to donors to continue both supporting the crucial work of the African Union and its Mission in the Sudan in stemming the violence in this suffering region and providing critical humanitarian assistance to millions of war-afflicted civilians in Darfur and across the border in Chad.

**Deliberations of 13 January 2006
(5344th meeting)**

At its 5344th meeting, on 13 January 2006, the Council included in its agenda the report of the Secretary-General on the Sudan dated 21 December 2005¹⁴⁶ and the monthly report of the Secretary-General on Darfur dated 23 December 2005.¹⁴⁷

In his report on the Sudan, the Secretary-General observed that, while the peace process was on track, serious concerns about the implementation of the Comprehensive Peace Agreement remained and reminded the parties that there was no alternative to the Agreement's framework, which needed to be implemented earnestly and in full. With regard to southern Sudan, the Secretary-General observed that security had also become a matter of growing concern and urged the Government of National Unity and the Government of Southern Sudan to take appropriate measures to tackle the insecurity and protect the civilian population and United Nations and staff of non-governmental organizations in areas where the Lord's Resistance Army (LRA) and other armed groups operated. Turning to the situation in Darfur, the Secretary-General noted that security on the ground urgently needed improvement, while the search for a durable political peace, including a permanent ceasefire, had to be intensified during the seventh round of negotiations in Abuja.

In his monthly report on Darfur of 23 December 2005, the Secretary-General reported that, despite the adoption of targeted measures and the referral of the situation in Darfur to the International Criminal Court,

there had been a marked deterioration in the situation since September, including the proliferation of actors to the conflict, an increase in the number of inter-tribal clashes, the entry of destabilizing elements from Chad, and more instances of banditry. Reaffirming that the vast majority of armed militias had not been disarmed, and no major steps had been taken by the Government to bring to justice or even identify any of the militia leaders or the perpetrators of attacks, contributing to a prevailing climate of impunity, the Secretary-General strongly urged the Government of the Sudan to take decisive steps in this regard. Recalling that ultimately only a political solution could bring an end to the violence and allow some 2 million internally displaced persons and refugees to return, the Secretary-General stated that the Abuja talks were critical and must be decisive, despite the difficulties encountered in the lead-up to the talks. Concluding that the political efforts should go hand in hand with an enhanced security presence, which should address adequately the deteriorating situation on the ground, the Secretary-General welcomed that the African Union had decided to lead a second assessment mission, with the participation of key partners, including a team from the United Nations, to try to identify a way forward.

The Council heard briefings by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS and the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur.¹⁴⁸

In his briefing, the Special Representative of the Secretary-General for the Sudan stated that, since the deadline set at the Abuja peace talks to reach an agreement before the end of 2005 had been missed, the strategy for achieving peace in Darfur should be reconsidered. He held that the parties should commit themselves to reaching an agreement during the seventh round of talks and could learn from the way by which the Comprehensive Peace Agreement had been achieved. In this instance, he said, the precondition to continue negotiations for a fair distribution of power and wealth was an agreement on a sustained and lasting ceasefire. Despite the admirable efforts of AMIS, which lacked adequate resources and means to prevent attacks against civilians, the Special Representative reported that the security situation in

¹⁴⁶ S/2005/821, submitted pursuant to paragraph 11 of resolution 1590 (2005).

¹⁴⁷ S/2001/825, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

¹⁴⁸ The Secretary-General was present at the meeting, but did not make a statement.

Darfur was chaotic and that, looking back at three years of killing in Darfur, it was clear that the peace strategy had failed. He therefore held that a security force on the ground should be much bigger than the present one, be able to defend itself and deter attacks on civilians, be in place long enough to provide confidence or up to four years after a peace agreement, and have a broad mandate. The force would also need to be an integral element of a unified approach towards Darfur, including humanitarian, political, police, legal, human rights and reconstruction and economic development instruments.¹⁴⁹

In his remarks, the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur provided an assessment of the ongoing negotiations in Abuja. Noting that negotiations were characterized by an unacceptable level of inflexibility and distrust by the parties, he regretted that the movements considered the peace talks as a tactical arena, while the battlefield appeared to be the strategic arena. As a means of providing fresh momentum to the Abuja peace process, he suggested the following way forward: (a) ensuring the effectiveness of the mechanisms established to implement the Humanitarian Ceasefire Agreement; (b) making clear to the parties that, if their approach to the Abuja talks continued to delay progress towards a settlement, the Security Council would hold them responsible for prolonging the suffering of the people of Darfur and threaten or use the instrument of sanctions in a credible and evident way; (c) ensuring consistency and coordination among the neighbouring countries facilitating the peace process and the mediation, particularly Chad, the Libyan Arab Jamahiriya and Eritrea; (d) addressing some external conditions that caused concern, namely the state of relations and tension between Chad and the Sudan; (e) strengthening the role of international partners in the peace process; (f) ensuring secure funding for the peace talks; and (g) strengthening the presence and the means of AMIS on the ground.¹⁵⁰

Decision of 3 February 2006 (5364th meeting): statement by the President

At the 5364th meeting,¹⁵¹ on 3 February 2006, the President (United States) made a statement on

¹⁴⁹ S/PV.5344, pp. 2-5.

¹⁵⁰ Ibid., pp. 5-9.

¹⁵¹ At its 5345th meeting, held in private on 13 January 2006, the Council heard briefings by the Special

behalf of the Council,¹⁵² by which the Council, inter alia:

Commended the efforts of the African Union for successful deployment of AMIS and for significant contribution to the provision of a secure environment for civilians and the humanitarian situation in Darfur;

Took note of the communiqué of 12 January 2006 of the Peace and Security Council of the African Union, in which the latter expressed its support, in principle, for a transition from AMIS to a United Nations operation, and requested the Chairperson of the African Union Commission to initiate consultations with the United Nations and other stakeholders on this matter;

Requested the Secretary-General to initiate contingency planning without delay, jointly with the African Union, in close and continuing consultation with the Security Council, and in cooperation and close consultation with the parties to the Abuja peace talks, including the Government of National Unity, on a range of options for a possible transition from AMIS to a United Nations operation;

Stressed the importance of urgently reaching a successful conclusion of the Abuja talks and called on all parties to negotiate in good faith in order to reach a peace accord as soon as possible;

Reiterated in the strongest terms the need for all parties in Darfur to end the violence and atrocities;

Demanded that all parties to the Darfur conflict cooperate fully with AMIS and fulfil all the obligations to which they had committed themselves.

Decision of 24 March 2006 (5396th meeting): resolution 1663 (2006)

At its 5392nd meeting, on 21 March 2006, the Council included in its agenda the monthly report of the Secretary-General on Darfur dated 9 March 2006¹⁵³ and the report of the Secretary-General on the Sudan dated 14 March 2006.¹⁵⁴

Representative of the Secretary-General for the Sudan and Head of UNMIS and the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur, and had a constructive exchange of views.

¹⁵² S/PRST/2006/5.

¹⁵³ S/2006/148, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

¹⁵⁴ S/2006/160, submitted pursuant to paragraph 11 of resolution 1590 (2005).

In his monthly report on Darfur, the Secretary-General reported on the initial phase of planning for a United Nations operation in Darfur. Observing that it would be erroneous to characterize any transition to a United Nations mission in Darfur as a substitution of an “African” force by an “international” force, he nevertheless noted that the new mission should be qualitatively different from AMIS, particularly with regard to force mobility, and should have the cooperation of the Government of the Sudan. The Secretary-General held that the planning of the new mission should take into consideration the ongoing violence and consistent violations of human rights in the region, including the displacement of more than 3 million people and increasing instability near the border with Chad. In this regard, he added that the main objectives of international efforts in Darfur should be to contribute to the protection of civilians at risk with a view to creating an environment conducive to national reconciliation. Emphasizing that the size, composition and capabilities of the military component of such a mission would depend on a range of factors, the Secretary-General noted that the determining factor should be the status of ceasefire arrangements in Darfur as, without an effective ceasefire fully respected by the parties, any international security presence in Darfur would have to be mandated and equipped to take robust action to protect civilians at risk. He therefore urged the parties at the peace talks in Abuja to show greater commitment and flexibility to achieve a negotiated settlement during the seventh round of talks.

In his report on the Sudan, reporting on the progress in the implementation of the Comprehensive Peace Agreement, the Secretary-General noted that, although the parties had taken a number of important steps in the right direction, there was cause for concern, particularly since the institutions of the Agreement designed to offer a political forum to consider and resolve differences over implementation had not yet begun to be used effectively by the parties. Regretting that the crisis in Darfur was having a direct and negative effect on the timely implementation of the Agreement, the Secretary-General observed that it was essential for all parties in Darfur to seriously engage in finding a swift and durable political solution to the conflict in order to avoid the prolonged suffering of civilian populations and to ensure that the region did not further slip into chaos. The Secretary-General concluded by emphasizing that the partners in the

Government of National Unity needed to engage each other, through the institutions of the Agreement, negotiate in good faith and make the necessary compromises in the interest of the shared principles enshrined in the Agreement and the Interim National Constitution.

The Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS. In his briefing, the Special Representative, *inter alia*, focused his comments on the situation in Darfur, saying that the strategy should focus on two objectives, sustainable peace between the warring parties and the protection of unarmed civilians, in particular against movements not participating in the peace talks. He therefore held that three steps were necessary: first, the swift conclusion of an agreement at the Abuja talks on power and wealth-sharing, followed by an all-inclusive Darfur-Darfur dialogue among all stakeholders; secondly, a new ceasefire agreement that could hold; and thirdly, a robust peace force with an appropriate size to be deployed throughout the region in order to deter any attacks and instil confidence among the people. He therefore held the view that steps should be taken to augment AMIS as, regardless of whether a transition to a United Nations operation would take place, a substantial strengthening of the African Union peacekeeping force in Darfur was urgently required.¹⁵⁵

At its 5396th meeting, on 24 March 2006, the Council continued its consideration of the aforementioned reports of the Secretary-General.¹⁵⁶ The President (Argentina) drew the attention of the Council to a draft resolution,¹⁵⁷ and to two revisions to the text.¹⁵⁸ The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1663 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 24 September 2006;

Reiterated its request that UNMIS closely and continuously liaise and coordinate at all levels with AMIS, and urged it to intensify its efforts in this regard;

Requested that the Secretary-General expedite the necessary preparatory planning for transition of AMIS to a

¹⁵⁵ S/PV.5392, pp. 2-5.

¹⁵⁶ S/2006/148 and S/2006/160.

¹⁵⁷ S/2006/179.

¹⁵⁸ See S/PV.5396, p. 2.

United Nations operation; strongly condemned the activities of militias and armed groups such as LRA.

**Decision of 29 March 2006 (5402nd meeting):
resolution 1665 (2006)**

At its 5402nd meeting, on 29 March 2006, the Council included in its agenda a letter dated 30 January 2006 from the Chairman of the Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Council,¹⁵⁹ transmitting the final report of the Panel of Experts on the Sudan.

The President (Argentina) drew the attention of the Council to a draft resolution,¹⁶⁰ it was then put to the vote and adopted unanimously and without debate as resolution 1665 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 29 September 2006 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and extended by resolution 1651 (2005);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations; urged all States, relevant United Nations bodies and the African Union to cooperate fully with the Committee and the Panel of Experts.

**Decision of 11 April 2006 (5409th meeting):
statement by the President**

At the 5409th meeting, on 11 April 2006, the President (China) made a statement on behalf of the Council,¹⁶¹ by which the Council, *inter alia*:

Strongly commended the efforts of the African Union to achieve lasting peace in Darfur, which had its full support; regretted the decisions of the Government of National Unity not to renew the contract of the Norwegian Refugee Council and to deny the entry of the United Nations Emergency Relief Coordinator to Darfur;

Reiterated its full support for the Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja;

Demanded that all parties make the necessary efforts to reach an agreement;

Reiterated its commitment to the sovereignty, unity, independence and territorial integrity of the Sudan, which would be unaffected by the transition to a United Nations operation;

Stressed that the Secretary-General should consult jointly with the African Union, in close and continuing consultation with the Security Council, and in cooperation and close consultation with the parties to the Abuja peace talks, including the Government of National Unity, on decisions concerning the transition;

Stressed that a United Nations operation would have strong African participation and character;

Recalled its request in resolution 1663 (2006) that the Secretary-General expedite the necessary preparatory planning for the transition of AMIS to a United Nations operation;

Called in this regard for a United Nations assessment mission to visit Darfur by 30 April 2006;

Called on international and regional organizations and Member States to provide every possible additional assistance to a United Nations operation.

**Decision of 25 April 2006 (5422nd meeting):
statement by the President**

At the 5413th meeting, on 18 April 2006, the President (China) drew the attention of the Council to a letter dated 10 March 2006 from the representative of the Congo, in his capacity as representative of the Chairman of the African Union,¹⁶² transmitting a communiqué issued by the Peace and Security Council of the African Union at its 46th meeting, held on 10 March 2006, by which it decided to support in principle the transition from AMIS to a United Nations operation in Darfur, as well as to the monthly report of the Secretary-General on Darfur.¹⁶³

In his monthly report, the Secretary-General observed that the recent escalation of fighting between the parties, together with deliberate attacks on towns, villages and displaced persons' settlements and acts of banditry, had forced thousands more civilians to flee their homes and exposed them to a wide range of abuses. He noted that the most serious problems related to the continuation of attacks on unarmed civilians by militias, which, according to many African Union reports, received support from the army, although the Government had denied this. He said that the

¹⁵⁹ S/2006/65; the report was submitted pursuant to paragraph 3 (b) ii of resolution 1591 (2005).

¹⁶⁰ S/2006/189.

¹⁶¹ S/PRST/2006/16.

¹⁶² S/2006/156.

¹⁶³ S/2006/218, submitted pursuant to paragraphs 6, 13 and 16 of resolution 1556 (2004), paragraph 15 of resolution 1564 (2004), paragraph 17 of resolution 1574 (2004) and paragraph 12 of resolution 1590 (2005).

Government of the Sudan needed to take immediate action to reign in forces over which it had direct or indirect control. Stressing the need for international support, he noted that the Under-Secretary-General for Peacekeeping Operations had convened a meeting of a group of Member States on 19 March 2006 to discuss the crisis in Darfur. He also noted that the heightened violence in Western Darfur and the tenuous relationship between Chad and the Sudan continued to impinge negatively on the peace negotiations and, while the agreement signed between Chad and the Sudan in Tripoli on 8 February was an encouraging development, much more needed to be done to reinforce the process. Finally, he underlined that the United Nations was moving forward expeditiously in preparing plans for a possible transition to a United Nations operation in Darfur, which would be done in close coordination with the African Union.

The Council heard a briefing by the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur and Chief Mediator. In his briefing, the Special Envoy, observing that a comprehensive peace agreement for Darfur was within reach, reported that the mediation team was in the process of presenting to the parties a far-reaching set of proposals which would cover the issues of power-sharing, wealth-sharing, security arrangements and the Darfur-Darfur dialogue, as well as implementation mechanisms and modalities. The African Union Peace and Security Council had also adopted a resolution indicating that it wanted a comprehensive Darfur peace agreement before the end of April 2006. However, he noted, it was necessary to extend maximum support to AMIS to ensure that once the ceasefire agreement had been signed, the force could be ready for an expanded mandate.¹⁶⁴

At the 5422nd meeting,¹⁶⁵ on 25 April 2006, the President (China) made a statement on behalf of the Council,¹⁶⁶ by which the Council, *inter alia*:

Strongly commended and supported the efforts of the African Union to achieve lasting peace in Darfur;

¹⁶⁴ S/PV.5413, pp. 2-6.

¹⁶⁵ At its 5414th meeting, held in private on 18 April 2006, the Council heard a briefing by the Special Envoy of the African Union for the Inter-Sudanese Peace Talks on the Conflict in Darfur and Chief Mediator and had a constructive exchange of views.

¹⁶⁶ S/PRST/2006/17.

Reiterated the need for all parties to put an end to the persisting violence that might affect the region and the security of Chad;

Reiterated its full support for the Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja;

Further reiterated its endorsement of the decision by the African Union Peace and Security Council that an accord must be reached by 30 April;

Called on and expected the parties in Abuja to consider the proposals made by the Mediator with a view to reaching a lasting peace and security in Darfur and the Sudan as a whole;

Commended the various parties and stakeholders for their support for the peace process and encouraged them to continue supporting the parties in the implementation of the peace accord.

**Decision of 25 April 2006 (5423rd meeting):
resolution 1672 (2006)**

At the 5423rd meeting, on 25 April 2006, the President (China) drew the attention of the Council to a draft resolution submitted by Argentina, Denmark, France, Japan, Peru, Slovakia, the United Kingdom and the United States,¹⁶⁷ which was put to a vote; it received 12 votes to none, with 3 abstentions (China, Qatar, Russian Federation), and was adopted as resolution 1672 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that all States should implement the measures specified in paragraph 3 of resolution 1591 (2005) with respect to the following individuals: Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces), Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in Northern Darfur), Adam Yacub Shant (Sudanese Liberation Army Commander) and Gabriel Abdul Kareem Badri (National Movement for Reform and Development Field Commander);

Decided to remain actively seized of the matter.

Speaking after the vote, the representative of the Russian Federation, while concurring that violations of international humanitarian law should not go unpunished, held that the adoption of the resolution might have a negative impact on the prospects for concluding the peace agreement on Darfur in Abuja by the end of April 2006 and expressed the belief that, within the Sudanese context and also in broader terms, the implementation of sanctions should be closely linked with the task of promoting the process of a political settlement of the conflict and ensuring

¹⁶⁷ S/2006/255.

regional stability.¹⁶⁸ The representative of Qatar said that, in the Committee established pursuant to resolution 1591 (2005), his delegation had not seen clear and consistent evidence that would condemn the individuals in the way required for imposing sanctions in accordance with the Committee's measures and guidelines. He added that his delegation was of the view that it was necessary to leave any such accusations to the Prosecutor of the International Criminal Court to deal with and not to influence any investigations. In addition, given the positive report of the African Union Special Envoy for the Inter-Sudanese Peace Talks on the Conflict in Darfur, and the positive developments in the Abuja peace process, he stated that it was not suitable to adopt this kind of resolution at this particular juncture and that it would have been preferable to postpone the vote until after the end of April 2006.¹⁶⁹ The representative of China believed that the timing for the adoption of the resolution was inappropriate given that the African Union-led peace talks were at a crucial juncture and that the priority for the Security Council should be to assist the African Union in bringing the Abuja talks to a conclusion before the end of April 2006. He added that if, as a result of resolution 1672 (2006), any party to the Abuja talks had second thoughts about signing such a peace accord, the conflict in the Darfur region would inevitably be prolonged or even intensify. Recalling that the proper settlement of the Darfur problem would also have an impact on the peace process between the north and south in the Sudan, on the neighbouring countries of Chad and the Central African Republic and on the subregion as a whole, he stated that the Council should send a constructive message and avoid actions that might give rise to misinterpretation or affect the peace process as a whole. The representative of China regretted that, despite a request for clarification, the matter had been submitted to the Council before convincing evidence could be established.¹⁷⁰

By contrast, welcoming the adoption of the resolution as an important first step in the fulfilment by the Security Council of its responsibilities regarding Darfur, the representative of the United States noted that the resolution, although regrettably not adopted unanimously, demonstrated that the Council was

serious in its effort to restore peace and security in the region and that it would strengthen, and not interfere with the peace process in Abuja.¹⁷¹

**Decision of 9 May 2006 (5434th meeting):
statement by the President**

At the 5434th meeting, on 9 May 2006, statements were made by all Council members, the representatives of Austria (on behalf of the European Union), Canada, the Netherlands, Nigeria, the Sudan, the Permanent Observer of LAS and the Secretary-General.¹⁷²

In his statement, the Secretary-General, welcoming the Darfur Peace Agreement signed in Abuja on 5 May 2006 as an historic opportunity to bring peace to Darfur, outlined a number of actions to be urgently taken, which included convincing the rebel leaders who decided to remain outside the peace process to sign the peace agreement, ensuring the implementation of the peace agreement and strengthening AMIS on the ground. Recalling that the reinforcement of AMIS could represent only a stopgap measure, the Secretary-General stated that AMIS should be transformed into a larger and more mobile United Nations operation, better equipped and with a stronger mandate. He therefore added that, jointly with the African Union, the additional resources needed by AMIS to implement key points of the Abuja agreement should be quickly determined, followed by a pledging conference. He then noted that transition to a United Nations operation in Darfur should be sped up, with the deployment of a technical assessment mission to Darfur to undertake a first-hand assessment of the situation on the ground and consult with the Government of the Sudan. Recalling that a peacekeeping mission could not succeed without the

¹⁷¹ *Ibid.*, pp. 2-3.

¹⁷² The President (Congo, represented by its Minister for Foreign Affairs), spoke on behalf of the Chairman of the African Union. Austria, China, France, the Russian Federation and the United Republic of Tanzania were represented by their Ministers for Foreign Affairs. The United Kingdom was represented by its Secretary of State for Foreign and Commonwealth Affairs, and the United States by its Secretary of State. Denmark and the Netherlands were represented by their Ministers for Development Cooperation. Argentina and Greece were represented by their Deputy Ministers for Foreign Affairs. Japan was represented by its Senior Vice-Minister for Foreign Affairs.

¹⁶⁸ S/PV.5423, p. 2.

¹⁶⁹ *Ibid.*, p. 2.

¹⁷⁰ *Ibid.*, p. 3.

support and the cooperation of the parties at the highest level, the Secretary-General reported that he had written to the President of the Sudan requesting his support for the mission and appealed to the parties to immediately respect the ceasefire in Darfur and honour the commitments undertaken.¹⁷³

In their statements, the majority of Council members, *inter alia*, welcomed the signature of the Darfur Peace Agreement; urged the signatory parties to respect their commitments and implement the peace agreement in its entirety; urged all parties to join the peace agreement; called for the operational and financial strengthening of AMIS; expressed deep concern over the deteriorating humanitarian situation and looked forward to the deployment to the Sudan of the technical assessment mission with a view to speeding up the transition to a United Nations peacekeeping force in Darfur. With regard to the latter issue, several Council members underlined the need to obtain the consent of the Government of the Sudan,¹⁷⁴ with the representatives of the Russian Federation and China stating that the consent and cooperation of the Government of the Sudan were prerequisites for the deployment of a United Nations operation.¹⁷⁵ The representative of Denmark said that it was crucial to encourage pressure on the parties who did not sign the peace agreement and, in this regard, supported the position that all measures, including sanctions, should be put to use when appropriate.¹⁷⁶ The representative of France, echoed by the representatives of Greece and Japan, held that the question of Darfur should be approached from a regional perspective, and expressed particular concern over the destabilized situation in Chad.¹⁷⁷

At the end of the debate, the President (Congo) made a statement on behalf of the Council,¹⁷⁸ by which the Council, *inter alia*:

Welcomed the agreement of 5 May 2006 reached at the Intra-Sudanese Peace Talks in Abuja as a basis for lasting peace in Darfur;

Urged those movements that had not signed the agreement to do so without delay, noting the benefits it would bring them

and the people of Darfur, and not to act in any way that would impede implementation of the agreement;

Stressed the need for AMIS to be urgently further strengthened in line with the conclusions of the joint assessment mission of 10 to 20 December 2005 so that it was able to support implementation of the Darfur Peace Agreement until a United Nations operation was deployed;

Called for the Government of National Unity to facilitate immediately the visit of a joint United Nations and African Union technical assessment mission to Darfur;

Expressed its deep concern over the deteriorating humanitarian situation in Darfur;

Called on all the Sudanese parties to respect the neutrality, impartiality and independence of humanitarian assistance.

**Decision of 16 May 2006 (5439th meeting):
resolution 1679 (2006)**

At the 5439th meeting, on 16 May 2006, the President (Congo) drew the attention of the Council to a draft resolution submitted by Argentina, the Congo, Denmark, France, Ghana, Greece, Peru, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States;¹⁷⁹ it was then put to the vote and adopted unanimously as resolution 1679 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Called upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay, and urged those parties that had not signed the agreement to do so without delay and not to act in any way that would impede implementation of the agreement;

Called upon the African Union to agree with the United Nations to strengthen the capacity of AMIS to enforce the security arrangements of the Darfur Peace Agreement, with a view to a follow-on United Nations operation in Darfur;

Requested the Secretary-General to submit recommendations to the Council on all relevant aspects of the mandate of the United Nations operation in Darfur, including force structure, additional force requirements, potential troop-contributing countries and a detailed financial evaluation of future costs.

After the adoption of the draft resolution, the representatives of the Russian Federation and China stated that the reference in the resolution to Chapter VII of the Charter should not be construed as constituting a precedent for the Council's future discussion and adoption of new resolutions on the

¹⁷³ S/PV.5434, pp. 2-3.

¹⁷⁴ *Ibid.*, p. 4 (United Kingdom); p. 6 (United States); p. 12 (Japan); and p. 15 (Qatar).

¹⁷⁵ *Ibid.*, p. 5 (Russian Federation); and p. 7 (China).

¹⁷⁶ *Ibid.*, p. 10.

¹⁷⁷ *Ibid.*, p. 9 (France); p. 11 (Greece); and p. 12 (Japan).

¹⁷⁸ S/PRST/2006/21.

¹⁷⁹ S/2006/296.

Sudan and stated that, if the United Nations was to deploy a peacekeeping operation in Darfur, the agreement and cooperation of the Government of the Sudan had to be obtained. The representative of China added that the contents of resolution 1679 (2006) were also inconsistent with the heading of Chapter VII “Actions with respect to threats to the peace, breaches of the peace, and acts of aggression”.¹⁸⁰ Similarly, the representative of Qatar said that the reference to Chapter VII of the Charter in resolution 1679 (2006) did not imply that the Security Council was prepared to carry out a transfer of responsibility from AMIS to a United Nations force prior to the approval of the Government of the Sudan.¹⁸¹

Deliberations of 14 June 2006 (5459th meeting)

At the 5459th meeting, on 14 June 2006, statements were made by the Prosecutor of the International Criminal Court and the representative of the Sudan.

The Prosecutor updated the Council on the activities undertaken by the Court since his last report to the Council. Recalling that by resolution 1674 (2006) the Council had concluded that the prevention of armed conflict required a comprehensive approach and that ending impunity, through appropriate national and international mechanisms, was essential to ensuring the non-recurrence of abuses, the Prosecutor stated that his Office was committed to contributing to such a comprehensive approach by investigating and prosecuting crimes within the Court’s jurisdiction. Given the scale of the alleged crimes in Darfur and the complexities associated with the identification of those individuals bearing the greatest responsibility for the crimes, he said that his Office currently anticipated the investigation and prosecution of a sequence of cases, rather than a single case dealing with the situation in Darfur as a whole. Reporting that his Office was collecting all available information from outside Darfur and had managed to make progress in its work despite serious obstacles, the Prosecutor emphasized that a new phase was starting, where unconditional cooperation by the Government of the Sudan and other parties to the conflict would be essential to complete the investigation and identify those most responsible for crimes committed in Darfur in an expeditious

¹⁸⁰ S/PV.5439, p. 2 (Russian Federation); and pp. 2-3 (China).

¹⁸¹ *Ibid.*, p. 3.

manner. He therefore concluded by stating that in the coming phase the Office would seek to complete the investigation of the first case and would continue to assess, on an ongoing basis, the admissibility of selected cases.¹⁸²

The representative of the Sudan recalled that his Government had responded positively to resolution 1593 (2005) by beginning a process of consultation with the Prosecutor of the International Criminal Court and that national police and prosecutors were prosecuting the perpetrators of violations in Darfur. Stressing that a political settlement was the best possible solution to achieving peace and justice in Darfur, he said that the Government of the Sudan would continue its efforts to establish the rule of law and justice through the courts and other mechanisms set up in Darfur and called upon the Security Council to support its efforts towards internal dialogue in Darfur.¹⁸³

Decision of 31 August 2006 (5519th meeting): resolution 1706 (2006)

At its 5519th meeting,¹⁸⁴ on 31 August 2006, the Council included in its agenda the report of the Secretary-General on Darfur dated 28 July 2006.¹⁸⁵ In his report, the Secretary-General, observing that there were signs that implementation of the Darfur Peace Agreement might be experiencing major delays and long-term structural difficulties, regretted that two of the parties involved in the Abuja talks would not sign the Agreement and that the Agreement had not yet received support from a significant portion of the

¹⁸² S/PV.5459, pp. 2-5.

¹⁸³ *Ibid.*, pp. 5-6.

¹⁸⁴ At its 5460th meeting, held in private on 14 June 2006, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views. At its 5517th meeting, held in private on 28 August 2006, following briefings by the Assistant Secretary-General for Peacekeeping Operations and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Council had an exchange of views with the Chargé d’affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations, the Permanent Observer of the League of Arab States (LAS) to the United Nations, and the Permanent Observer of the Organization of the Islamic Conference (OIC) to the United Nations.

¹⁸⁵ S/2006/591, submitted pursuant to resolution 1679 (2006).

population in Darfur. The Secretary-General therefore urged the parties, in particular the Government of the Sudan, to implement the Agreement as soon as possible and, at the same time, called upon the international community to expand its assistance considerably. He recommended that the Council immediately authorize new levels of United Nations support to AMIS in a number of priority areas, including command and control; communications; enhanced mobility; engineering; training; location and sourcing of water; resource and administrative management; and public information. At the same time, the Secretary-General noted that the United Nations could not take over full peacekeeping responsibilities in the region until it had the consent and cooperation of the Government of the Sudan and had been able to gather together sufficient troop-contributing countries to mount the large multidimensional peacekeeping operation required. After outlining a mandate and a mission structure for the United Nations operation in Darfur, the Secretary-General recalled that transition to a United Nations operation should happen as soon as possible and stated that securing the consent of the Government of the Sudan would require continuing and intense discussion with the Government by Council members, key Member States and regional organizations, as well as the United Nations.

The representative of the Sudan was invited to participate in the discussion. Statements were made by the majority of Council members.¹⁸⁶ The President (Ghana) drew the attention to the Council to the addendum to the report of the Secretary-General dated 28 July 2006, containing the preliminary cost estimates for United Nations support to AMIS.¹⁸⁷ The President then drew the attention of the Council to a draft resolution submitted by Argentina, Denmark, France, Ghana, Greece, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States,¹⁸⁸ which was put to a vote. It received 12 votes to none, with 3 abstentions (China, Qatar, Russian Federation), and was adopted as resolution 1706 (2006), by which the Council, *inter alia*:

Decided, without prejudice to its existing mandate and operations as provided for in resolution 1590 (2005) and in order to support the early and effective implementation of the

Darfur Peace Agreement, that the mandate of UNMIS should be expanded, that it should deploy to Darfur, and therefore invited the consent of the Government of National Unity for this deployment, and urged Member States to provide the capability for an expeditious deployment;

Decided that UNMIS should be strengthened by up to 17,300 military personnel and by an appropriate civilian component including up to 3,300 civilian police personnel and up to 16 formed police units;

Decided that the mandate of UNMIS in Darfur should be to support implementation of the Darfur Peace Agreement and the N'Djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur;

And, acting under Chapter VII of the Charter:

Decided that UNMIS was authorized to use all necessary means, in the areas of deployment of its forces and as it deemed within its capabilities.

After the vote, the representative of the United States underlined that it was imperative to move immediately to the implementation of the resolution in order to fully stop the tragic events unfolding in Darfur, adding that each day of delay would only add to the suffering of the Sudanese people and “extend the genocide”. He therefore expected the full cooperation and support of the Government of the Sudan for the new United Nations peacekeeping force, and noted that failure on the part of the Government of the Sudan to do so would significantly undermine the Darfur Peace Agreement and prolong the humanitarian crisis in Darfur. Emphasizing that resolution 1706 (2006) set the foundation for an effective multidimensional international force, he stated that with the expansion of UNMIS it could be expected that the AMIS re-hatting would take place rapidly and smoothly and that the follow-on United Nations force would be fully operational, with a substantial African element at its core. Recalling that significant planning and logistical work had already been done, he said that the adoption of the resolution made it possible to finalize plans and details to deploy the international force.¹⁸⁹ The representative of the United Kingdom said that a transition to a United Nations operation was the only viable option for Darfur. She said that even those delegations that had abstained did not fundamentally disagree with the issues of the text, but rather with the timing. She added that the Council attached importance to continued dialogue with the Government of the Sudan in order to obtain its consent, which she hoped

¹⁸⁶ The representatives of the Congo and Peru did not make statements at the meeting.

¹⁸⁷ S/2006/591/Add.1.

¹⁸⁸ S/2006/699.

¹⁸⁹ S/PV.5519, pp. 2-3.

would be quickly forthcoming with the adoption of the resolution since the latter did not refer to the International Criminal Court nor was it adopted under Chapter VII in its entirety and stated clearly that the Council remained committed to the sovereignty and territorial integrity of the Sudan, which would be unaffected by a transition to a United Nations operation.¹⁹⁰ Similarly, while welcoming the timely adoption of the resolution, several Council members noted that the transition to a United-Nations-led operation was the best available option to cope with the increasingly deteriorating situation in Darfur, though emphasizing that the adoption of the resolution did not preclude further dialogue and the search of partnership with the Government of the Sudan.¹⁹¹

The representative of China noted that the transition from AMIS to a United Nations operation was a good and pragmatic approach, although such a transition could take place only once the consent of the Government of National Unity had been obtained. Recalling that the Secretary-General had suggested holding a direct high-level dialogue at the Security Council among the parties involved, he deemed that it had been unnecessary for the Council to vote on resolution 1706 (2006), since postponing the vote would have helped to create a good atmosphere among stakeholders, as well as an environment conducive to the smooth implementation of the resolution, rather than triggering further misunderstanding and confrontation. Therefore, he concluded, due to his reservations on the timing of the vote and on the text of the resolution which had not clearly included the need to receive the consent of the Government of National Unity, the representative of China stated that his delegation had been forced to abstain from the voting.¹⁹² Echoing the representative of China, the representative of the Russian Federation said that it was of fundamental importance that the resolution clearly state the overriding need for the consent of the Government of National Unity of the Sudan for the deployment of a United Nations peacekeeping mission in Darfur.¹⁹³

Explaining his abstention from voting, the representative of Qatar noted that more efforts should have been made on the political front to prepare the ground for the Sudan's voluntary consent to expanding the mandate and strength of the United Nations forces and deploying them to Darfur. Stating that his delegation would have preferred to provide financial and logistical support to AMIS in order to enable it to complete its mandate, he concluded that his delegation could not support the resolution, given its repercussions and the modalities of its implementation in the prevailing political atmosphere.¹⁹⁴

Deliberations of 11 September 2006 (5520th meeting)

At its 5520th meeting, on 11 September 2006, the Council continued its consideration of the report of the Secretary-General on Darfur dated 28 July 2006 and its addendum.¹⁹⁵ Statements were made by all Council members, the representative of the Sudan, the Permanent Observer for LAS to the United Nations, the Permanent Observer of the Organization of the Islamic Conference (OIC) to the United Nations, as well as by the Secretary-General.¹⁹⁶

The President (Greece) drew the attention of the Council to a letter dated 21 August 2006 from the representative of the Sudan to the President of the Security Council, transmitting a letter from the President of the Sudan, rejecting the transfer of the mandate of AMIS to a United Nations force in Darfur.¹⁹⁷

In his statement, deeply regretting the worsening of the humanitarian situation and the escalation of renewed fighting in Darfur, the Secretary-General urged the international community to take urgent action at such a critical stage. Deploring the deployment by the Government of the Sudan of additional troops in Darfur, in violation of the Darfur Peace Agreement, the Secretary-General reiterated that there could be no military solution to the crisis and that only a political agreement in which all stakeholders were fully engaged could bring real peace to the region. Recalling

¹⁹⁰ Ibid., pp. 3-4.

¹⁹¹ Ibid., pp. 5-6 (Japan); pp. 7-8 (France); p. 8 (Greece, Slovakia); p. 9 (United Republic of Tanzania); pp. 9-10 (Argentina); p. 10 (Denmark); and pp. 10-11 (Ghana).

¹⁹² Ibid., pp. 4-5.

¹⁹³ Ibid., pp. 8-9.

¹⁹⁴ Ibid., pp. 6-7.

¹⁹⁵ S/2006/591 and Add.1.

¹⁹⁶ The Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union was invited to participate in the meeting but did not make a statement.

¹⁹⁷ S/2006/683.

that the African Union had made very clear the need for transition from AMIS to a United Nations peacekeeping operation, he said that in the coming days the United Nations would work closely with the African Union to finalize a support package for AMIS, as a vital step for its transition to a United Nations mission. Observing that AMIS continued to have a vital role to play until the United Nations operation could be put in place, the Secretary-General regretted that the force still lacked the necessary resources and therefore called on the partners of AMIS to ensure that the mission could continue to work during the transition period. Recognizing that without the consent of the Government of the Sudan the transition to a United Nations mission would not be possible, the Secretary-General urged the Government to embrace the spirit of resolution 1706 (2006) and to give its consent. Finally, he appealed to Member States who were in a position to influence the Government of the Sudan to exert pressure and to the Security Council to send a clear, strong and uniform message.¹⁹⁸

While asserting his Government's commitment to dialogue and cooperation with the United Nations, as demonstrated by the presence of UNMIS in the Sudan, the representative of the Sudan complained that, in handling the crisis in Darfur, the Council had taken a path characterized by imbalance and a lack of credibility. Although opining that the dialogue with the United Nations had been unilateral and confrontational, he stated that his Government would keep the doors open to unlimited and unconditional cooperation with the international community in conformity with all principles and practices that respected the country's sovereignty and independence.¹⁹⁹

In their statements, both the Permanent Observer of LAS and the Permanent Observer of OIC underlined the importance of securing the consent of the Government of the Sudan prior to any deployment of United Nations forces in Darfur.²⁰⁰

Council members, *inter alia*, expressed concern about the deteriorating humanitarian, political and security situation in Darfur; endorsed the assessment by the Secretary-General on the ongoing humanitarian catastrophe in Darfur; noted with regret the refusal of the Government of the Sudan to accept and implement

Security Council resolution 1706 (2006); reiterated that there could not be any military solution to the conflict in Darfur and that the solution should be found through political means in the framework of the Darfur Peace Agreement; supported the extension of the mandate of AMIS; and agreed that an immediate reinforcement of the mission was necessary, particularly to avoid a security vacuum in the transition to a United Nations peacekeeping operation.

The representative of the United States, regretting that the Government of the Sudan had moved backwards by threatening the expulsion of AMIS, reiterated his delegation's view that a transition to a United Nations peacekeeping operation would represent the best option.²⁰¹ Noting that the Council's objective was to avert a humanitarian crisis in Darfur by working with the Government of the Sudan in respect of its territorial integrity in order to ensure that Darfur would not become a threat to the unity of the State or to the stability of the region, the representative of the United Kingdom questioned the assertion that a United Nations force in Darfur would be a breach of Sudanese sovereignty and, regretting the intransigence of the Government of the Sudan with regard to the deployment of a United Nations peacekeeping operation in Darfur, recalled that such charges had not been levelled against UNMIS in the south. He therefore held that efforts should be maintained to persuade the President of the Sudan to implement resolution 1706 (2006).²⁰²

The representatives of China and the Russian Federation stressed the importance for the Security Council of pursuing a dialogue with the Government of the Sudan in order to seek its consent for the transition of AMIS to a United Nations operation, advocating that the Council should respect the views of the Sudan, without imposing the deployment of a United Nations peacekeeping operation.²⁰³ Similarly, the representative of the United Republic of Tanzania stated that there was an urgent need for the United Nations and the African Union to re-engage the Government of the Sudan in exploring mutually reassuring approaches to implement Security Council resolution 1706 (2006).²⁰⁴ Recalling that the

¹⁹⁸ S/PV.5520, pp. 2-4.

¹⁹⁹ *Ibid.*, pp. 4-6.

²⁰⁰ *Ibid.*, p. 6 (LAS); and p. 7 (OIC).

²⁰¹ *Ibid.*, p. 8.

²⁰² *Ibid.*, pp. 8-9.

²⁰³ *Ibid.*, pp. 11-12 (China); and pp. 13-14 (Russian Federation).

²⁰⁴ *Ibid.*, p. 13.

Government of the Sudan had put forward a comprehensive plan of action for Darfur that included several positive elements and regretting that the Security Council had not seriously considered that plan prior to adopting resolution 1706 (2006), the representative of Qatar called on the Council to study the plan and pursue consultations in good faith with the Government of the Sudan on the situation in Darfur, while avoiding the threat of sanctions.²⁰⁵ The representative of Denmark noted that if the Government of the Sudan continued to pursue its plans to militarily solve the conflict in Darfur, the instrument of sanctions should not be excluded, while the representative of Greece stressed that the Council should use all the tools at its disposal, including the sanctions mechanism provided in resolution 1591 (2005).²⁰⁶

Decision of 22 September 2006 (5532nd meeting): resolution 1709 (2006)

At its 5528th meeting, on 18 September 2006, the Council included in its agenda the report of the Secretary-General on the Sudan dated 12 September 2006.²⁰⁷ In his report, the Secretary-General observed that, one year after the inauguration of the Government of National Unity, the parties had made progress, although on a limited scale, in carrying out their commitments under the Comprehensive Peace Agreement. At the same time, he regretted that the parties had not been able to resolve a number of contentious issues, which included the crucial areas of power and wealth-sharing as well as the preparation for national elections, and called upon the parties to fully meet all their obligations under the Agreement. Reiterating that the Comprehensive Peace Agreement remained the basis on which to build the Darfur Peace Agreement, the Secretary-General hoped that the leaders of the Sudan were fully aware of the possible consequences of their negative reaction to the proposals of the international community with regard to Darfur, concerning the strengthening of AMIS and the transition to a United Nations operation. Emphasizing that the United Nations was prepared to seek the political path, as agreed with the Government of the Sudan in Abuja, the Secretary-General stressed

that the Security Council had a key role to play in this process, although its effectiveness depended on its ability to speak and act in complete unity. Finally, the Secretary-General recommended the renewal of the mandate of UNMIS for a period of 12 months.

The meeting, the Council heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS, following which statements were made by all Council members.²⁰⁸

In his briefing, the Special Representative of the Secretary-General reported that UNMIS had almost completed its deployment in southern Sudan and that the implementation of the Comprehensive Peace Agreement remained on track, despite a number of ongoing challenges and the urgent need for reconstruction and development assistance in southern Sudan. On the situation in Darfur, although the Darfur Peace Agreement had been signed only four months earlier, he noted that the Agreement was “nearly dead” and highlighted five essential conditions to revive the Agreement, namely, (1) encouraging all parties concerned to join the Darfur Peace Agreement; (2) ending violations of the Agreement through a real truce; (3) making the Ceasefire Commission fully representative and authoritative; (4) resuming talks to enhance the population’s faith in the Agreement; and (5) securing the consent of the Government of the Sudan for the transition from AMIS to a United Nations mission.²⁰⁹

The majority of Council members expressed cautious optimism regarding the limited progress in the implementation of the Comprehensive Peace Agreement; noted some positive developments as far as the security and humanitarian situation in the south was concerned and stressed that UNMIS had played a key role in that regard; concurred that greater progress in the implementation of the Agreement was needed in areas such as security sector reform, police reform and restructuring, preparation for the return of the internally displaced persons, future elections as well as the disarmament, demobilization and reintegration programme; urged all the parties to comply with their commitments under the Comprehensive Peace Agreement and stressed that the international

²⁰⁵ Ibid., p. 19.

²⁰⁶ Ibid., p. 21 (Denmark); p. 22 (Greece).

²⁰⁷ S/2006/728, submitted pursuant to resolution 1590 (2005).

²⁰⁸ The United Kingdom was represented by its Parliamentary Under-Secretary of State for Foreign Affairs.

²⁰⁹ S/PV.5528, pp. 2-6.

community must continue to work to underpin the agreement; supported the Secretary-General's recommendation to renew the mandate of UNMIS; in connection with the situation in Darfur, agreed with the Secretary-General that peace in the Sudan was indivisible and that the crisis in Darfur could have a spillover effect on the rest of the country; acknowledged that the Comprehensive Peace Agreement could be severely affected if there was little progress on the Darfur Peace Agreement; reiterated the importance of continuing seeking ways and means to convince the Government of the Sudan to implement resolution 1706 (2006) and accept the transition from AMIS to a United Nations peacekeeping force in Darfur.

The representative of Qatar, affirming that the main obstacle to the peace efforts in Darfur lay with the rebel movements, urged the Security Council to deal clearly with such violations, without blaming the Government of the Sudan for its efforts to protect its national security and territorial integrity.²¹⁰

Responding to questions from Council members, the Special Representative of the Secretary-General, *inter alia*, observed that the Government of the Sudan's objection to a United Nations mission in Darfur was mainly linked to its fear of being attacked by radical groups on the domestic scene. In order to facilitate the consent of the Government of the Sudan, he said that negotiations might result in a package in which the Government would accept the transition in exchange for certain commitments, for example, in the areas of debt relief, trade and security. He also suggested that the Council look at alternative options, should the Government of the Sudan insist on not accepting the proposed transition. He was confident that the Government of the Sudan would accept an African Union/United Nations mission with a Chapter VIII mandate.²¹¹

At its 5532nd meeting, on 22 September 2006, the Council continued its consideration of the report of the Secretary-General on the Sudan dated 12 September 2006.²¹² The President (Greece) drew the attention of the Council to a draft resolution submitted by the United States;²¹³ it was put to the vote and adopted unanimously and without debate as

resolution 1709 (2006), by which the Council, *inter alia*, decided to extend the mandate of UNMIS until 8 October 2006, with the intention to renew it for further periods; and to remain actively seized of the matter.

Decision of 29 September 2006 (5543rd meeting): resolution 1713 (2006)

At the 5543rd meeting, on 29 September 2006, the President (Greece) drew the attention of the Council to a draft resolution submitted by Denmark, France, Ghana, Greece, Slovakia, the United Kingdom and the United States.²¹⁴

Speaking before the vote, the representative of Qatar, recalling that his delegation had repeatedly advised the Panel of Experts and the Committee established pursuant to resolution 1591 (2005) to be more cautious in addressing the issue of Darfur, expressed concern at the way in which the Panel of Experts had put forward allegations and accusations against individuals without regard for a number of essential principles, including not encroaching on the jurisdiction of the Prosecutor of the International Criminal Court. However, these concerns had been disregarded and the Panel had continued to treat as equals the Government of National Unity, which was the legitimate Government of the Sudan, and the rebel groups that were hindering the peace process. Stressing the need for the Panel of Experts to be neutral, transparent, and independent of all political influence, he hoped that the Panel could correct its working methods in the future.²¹⁵

The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1713 (2006), by which the Council, *inter alia*:

Decided to extend until 29 September 2007 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005) and 1665 (2006);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations;

Urged all States, relevant United Nations bodies, and the African Union to cooperate fully with the Committee and the Panel of Experts.

²¹⁰ *Ibid.*, p. 17.

²¹¹ *Ibid.*, pp. 21-22.

²¹² S/2006/728.

²¹³ S/2006/758.

²¹⁴ S/2006/775.

²¹⁵ S/PV.5543, p. 2.

**Decision of 6 October 2006 (5545th meeting):
resolution 1714 (2006)**

At its 5545th meeting, on 6 October 2006, the Council continued its consideration of the report of the Secretary-General dated 12 September 2006.²¹⁶ The President (Japan) drew the attention of the Council to the following documents: a letter dated 28 September 2006 from the Secretary-General,²¹⁷ transmitting the text of a letter from the Secretary-General and the Chairperson of the African Union Commission addressed to the President of the Sudan containing the details of a United Nations support package to AMIS for which the full cooperation of the Government of the Sudan was essential; and a letter dated 3 October 2006 from the representative of the Sudan,²¹⁸ transmitting a letter from the President of the Sudan addressed to the Secretary-General and the Chairman of the African Union Commission supporting the proposed United Nations package in support of AMIS. The President also drew the attention of Council members to a draft resolution submitted by the United States;²¹⁹ it was put to the vote and adopted unanimously and without debate as resolution 1714 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 30 April 2007;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS;

Called upon the parties to the peace agreements to respect their commitments and implement fully all aspects of the agreements without delay and called on those parties that had not signed the Darfur Peace Agreement to do so without delay;

Decided to remain actively seized of the matter.

**Deliberations of 14 December 2006
(5589th meeting)**

At its 5589th meeting, on 14 December 2006, the Council heard a briefing by the Prosecutor of the International Criminal Court.

The Prosecutor reported that his Office was in the process of completing an investigation and the collection of sufficient evidence to identify those who

²¹⁶ S/2006/728.

²¹⁷ S/2006/779.

²¹⁸ S/2006/789.

²¹⁹ S/2006/792.

bore the greatest responsibility for some of the worst crimes committed in Darfur, and stated that, following a careful evaluation of the issue of admissibility, evidence provided reasonable grounds to believe that the individuals identified had committed crimes against humanity and war crimes. Despite the signing of the Darfur Peace Agreement, there were almost daily allegations of serious crimes in Darfur, some of which might fall within the jurisdiction of the Court. He therefore recalled that by referring the situation in Darfur to the Court, the Security Council had reaffirmed that peace and security required justice not only with reference to past crimes, but also to current crimes protracting the suffering of millions and threatening stability beyond the borders of Darfur.²²⁰

**Decision of 19 December 2006 (5598th meeting):
statement by the President**

At the 5598th meeting,²²¹ on 19 December 2006, the President (Qatar) drew the attention of the Council to a letter dated 6 December 2006 from the representative of the Congo, in his capacity as Chairman of the African Union,²²² addressed to the President of the Security Council, transmitting a communiqué adopted by the Peace and Security Council of the African Union, which agreed to extend AMIS for a further period of six months and endorsed the three-phased United Nations support to AMIS. The President then made a statement on behalf of the Council,²²³ by which the Council, *inter alia*:

Endorsed the conclusions of the Addis Ababa high-level consultation on the situation in Darfur of 16 November 2006 and the communiqué of the 66th meeting of the Peace and Security Council of the African Union, held in Abuja on 30 November 2006;

Called for the conclusions and the communiqué to be implemented by all parties without delay, and to this end called on all parties to facilitate, per the Addis Ababa and Abuja agreements, the immediate deployment of the United Nations light and heavy support packages to AMIS and a hybrid operation in Darfur;

Reaffirmed its deep concern about the worsening security situation in Darfur and its repercussions in the region;

²²⁰ S/PV.5589, pp. 2-5.

²²¹ At its 5590th meeting, held in private on 14 December 2009, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

²²² S/2006/961.

²²³ S/PRST/2006/55.

Stressed that a peaceful settlement to the conflict in Darfur lay in a comprehensive approach with the concerted efforts of all relevant parties, in accordance with the Darfur Peace Agreement, and would contribute to restoring security and stability in the region.

**Decision of 30 April 2007 (5670th meeting):
resolution 1755 (2007)**

At its 5670th meeting, on 30 April 2007, the Council included in its agenda the report of the Secretary-General dated 17 April 2007.²²⁴ In his report, the Secretary-General observed that the implementation of the Comprehensive Peace Agreement had reached a delicate stage, two critical reference points being the full and verified redeployment of forces in 2007 and the holding of free and fair midterm elections in 2009.

The representative of Qatar made a statement. The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by the United States,²²⁵ and to a letter dated 17 April 2007 from the President of the Security Council addressed to the Secretary-General,²²⁶ by which the Council welcomed the confirmation from the representative of the Sudan of his Government's acceptance of the heavy support package for AMIS proposed by the African Union and the United Nations. Before the vote, the representative of Qatar stated that, after initial concerns related to the fact that the language of the draft resolution was not consistent with the recent positive developments in the relationship between the Government of the Sudan and the United Nations, his delegation agreed to support the draft resolution given the constructive attitude of the sponsor.²²⁷

The President then put to the vote the draft resolution; it was adopted unanimously as resolution 1755 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 31 October 2007, with the intention to renew it for further periods;

Requested the Secretary-General to appoint urgently a new Special Representative for the Sudan and to report to the Council every three months on the implementation of the mandate of UNMIS;

²²⁴ S/2007/213, submitted pursuant to resolution 1590 (2005).

²²⁵ S/2007/240.

²²⁶ S/2007/212.

²²⁷ S/PV.5670, pp. 2-3.

Called upon the parties to the Comprehensive Peace Agreement to accelerate urgently progress on implementing all their commitments, in particular to carry out the establishment of Joint Integrated Units and other aspects of the security sector reforms, to re-energize the process of disarmament, demobilization and reintegration of combatants, to complete the full and verified redeployment of forces by 9 July 2007, to demarcate precisely the north/south borderline of 1 January 1956, consistent with the Machakos Protocol of 20 July 2002, to resolve the Abyei problem and urgently establish an administration there, and to take the necessary steps to hold national elections according to the agreed time frame;

Called upon those parties that had not signed the Darfur Peace Agreement to do so without delay.

**Decision of 25 May 2007 (5684th meeting):
statement by the President**

At the 5684th meeting, on 25 May 2007, the President (United States) drew the attention of the Council to a letter dated 23 May 2007 from the Secretary-General addressed to the President of the Council,²²⁸ transmitting the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur. The President then made a statement on behalf of the Council,²²⁹ by which the Council, *inter alia*:

Welcomed the transmission of the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur;

Called for the full implementation without delay of the United Nations light and heavy support packages of assistance to AMIS, as well as for the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation to be considered and taken forward immediately;

Further demanded that all parties meet their international obligations, support the political process, end violence against civilians and attacks on peacekeepers, and facilitate humanitarian relief.

Deliberations of 7 June 2007 (5687th meeting)

At its 5687th meeting, on 7 June 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court.

The Prosecutor reported that, on 27 April 2007, the judges of the Court had found that the evidence offered reasonable grounds to believe that Ahmad Harun, currently Minister of State for Humanitarian

²²⁸ S/2007/307.

²²⁹ S/PRST/2007/15.

Affairs of the Sudan, and Ali Kushayb, a militia/Janjaweed leader, had joined forces to persecute and attack civilians in Darfur and had committed war crimes and crimes against humanity. Reporting that the judges had accordingly issued arrest warrants to apprehend the two individuals, the Prosecutor called on the Security Council and regional organizations to urge the authorities of the Sudan to arrest the two individuals and surrender them to the Court, also expressing the hope that the issue of the Sudan's cooperation with the Court could be addressed during the forthcoming mission of the Security Council to the Sudan. The Prosecutor also stated that his Office continued to gather information on crimes in Darfur and to monitor the spillover of violence into Chad and the Central African Republic. Noting that his Office had recently opened an investigation in the Central African Republic, he added that any alleged crime perpetrated in Chad since the country's adherence to the Rome Statute in January 2007 could be subject to the jurisdiction of the Court.²³⁰

**Decision of 31 July 2007 (5727th meeting):
resolution 1769 (2007)**

At its 5727th meeting,²³¹ on 31 July 2007, the Council included in its agenda a letter dated 5 June 2007 from the Secretary-General addressed to the President of the Council,²³² transmitting the revised report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur, as well as an addendum to the report including the preliminary cost estimate for the hybrid operation for a 12-month period. In the report, which represented the outcome of high-level consultations between the African Union and the United Nations, the Secretary-General and the Chairperson of the African Union Commission reiterated the necessity of a comprehensive approach to peace in Darfur, based on the interdependence of three tracks, namely the political process, the ceasefire and the peacekeeping operation. Urging members of the Security Council and regional stakeholders to support the ongoing mediation efforts, they stated that only a sustained political

process supported by a strong peacekeeping operation in Darfur would assist with the region's integration into the Sudan. Recognizing that the hybrid operation would be an unprecedented undertaking for both the United Nations and the African Union, they emphasized that the operation's success would depend critically on whether the Government of the Sudan would see the hybrid operation as part of the long-term solution to the conflict in Darfur. It would be essential, they added, for the mandate of the operation to reflect the agreement of the parties on its role in monitoring and supporting the implementation of the Darfur Peace Agreement and any subsequent agreements. Finally, they said that the implementation of the operation required as an immediate priority the reinforcement of AMIS through the deployment of the heavy support package.

Statements were made by members of the Council,²³³ the Secretary-General and the Senior Political Affairs Adviser of the Permanent Observer Mission of the African Union to the United Nations. The President (China) drew the attention of the Council to a draft resolution submitted by Belgium, the Congo, France, Italy, Peru, Slovakia and the United Kingdom;²³⁴ it was put to the vote and adopted unanimously and without debate as resolution 1769 (2007), by which the Council, inter alia:

Decided to authorize and mandate the establishment, for an initial period of 12 months, of an African Union-United Nations Hybrid Operation in Darfur (UNAMID) as set out in the resolution and pursuant to the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007, and further decided that the mandate of UNAMID should be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

Decided that UNAMID, which should incorporate AMIS personnel and the United Nations heavy and light support packages to AMIS, should consist of up to 19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each;

Decided that force and personnel generation and administration should be conducted as set out in paragraphs 113 to 115 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007;

²³⁰ S/PV.5687, pp. 2-5.

²³¹ At its 5688th meeting, held in private on 7 June 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court and had a constructive exchange of views.

²³² S/2007/307/Rev.1 and Add.1.

²³³ The representatives of the Congo and Peru did not make statements at the meeting.

²³⁴ S/2007/468.

Decided that UNAMID should monitor whether any arms or related material were present in Darfur in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004);

Decided that the authorized strength of UNMIS should revert to that specified in resolution 1590 (2005) upon the transfer of authority from AMIS to UNAMID;

Acting under Chapter VII of the Charter:

Decided that UNAMID was authorized to take the necessary action, in the areas of deployment of its forces, to protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers; and to support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan;

Requested that the Secretary-General, in consultation with the Chairperson of the African Union Commission, and the Government of the Sudan conclude within 30 days a status-of-forces agreement with respect to UNAMID.

Speaking after the vote, the Secretary-General commended the Security Council on its adoption of a “historic and unprecedented” resolution, while noting at the same time the significant challenges to establishing UNAMID. In order to meet the goal set by the resolution and assume authority in Darfur by the end of the year, he urged the Council to remain engaged and called upon Member States, especially troop-contributing countries, to provide support and commit troops to the mission. The Secretary-General also called on the Government of the Sudan to provide unequivocal and continuous support to UNAMID and maintained that only a political process would produce a sustainable peaceful solution.²³⁵

The majority of Council members welcomed the unanimous adoption of the resolution as an important step towards resolving the conflict, as well as the humanitarian tragedy in Darfur; referred to the unprecedented scale and complexity of UNAMID and called on the international community to support its rapid deployment; praised the cooperation between the African Union and the United Nations and commended the work carried out by AMIS; stressed that, while UNAMID was an important step forward, it should be seen as part of a comprehensive approach that would secure a political settlement. A number of representatives underlined the continuing need for the

engagement with, and cooperation from, the Government of the Sudan.

The representative of the United Kingdom warned that, should the Government of the Sudan fail to live up to its obligations, consequences would follow.²³⁶ The representative of the United States urged the Government of the Sudan to implement resolution 1769 (2007) and to comply with the Darfur Peace Agreement, and cautioned that if the Government of the Sudan failed to comply, his country would move to adopt unilateral and multilateral measures.²³⁷

Decision of 28 September 2007 (5750th meeting): resolution 1779 (2007)

At the 5750th meeting, on 28 September 2007, the President (France) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States;²³⁸ it was put to the vote and adopted unanimously and without debate as resolution 1779 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend until 15 October 2008 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006) and 1713 (2006);

Requested the Panel of Experts to provide a midterm briefing on its work to the Committee and a final report no later than 30 days prior to termination of its mandate to the Council with its findings and recommendations; urged all States, relevant United Nations bodies, the African Union to cooperate fully with the Committee and the Panel of Experts.

Decision of 2 October 2007 (5752nd meeting): statement by the President

At the 5752nd meeting, on 2 October 2007, the President (Ghana) made a statement on behalf of the Council,²³⁹ by the Council, *inter alia*:

Condemned the murderous attack on African Union peacekeepers in Haskanita, Southern Darfur, reportedly committed by a rebel group, and demanded that no effort be spared so that the perpetrators were identified and brought to justice;

²³⁶ *Ibid.*, pp. 3-4.

²³⁷ *Ibid.*, pp. 7-8.

²³⁸ S/2007/572.

²³⁹ S/PRST/2007/35.

²³⁵ S/PV.5727, pp. 2-3.

Conveyed its sympathy to the Governments, families and colleagues of those killed and injured; reiterated its support for AMIS;

Recalled the demand in resolution 1769 (2007) on all parties for an immediate cessation of hostilities and attacks on AMIS, civilians and humanitarian agencies;

Insisted that all parties in the Sudan comply with this demand and cooperate fully with the deployment of the United Nations light and heavy support packages to AMIS, and with UNAMID;

Deplored the fact that this attack took place on the eve of the peace talks starting on 27 October 2007 in Tripoli.

**Decision of 24 October 2007 (5768th meeting):
statement by the President**

At the 5768th meeting, on 24 October 2007, the President (Ghana) made a statement on behalf of the Council,²⁴⁰ by which the Council, *inter alia*:

Welcomed the convening of peace talks on 27 October 2007 in Sirte, Libyan Arab Jamahiriya, under the leadership of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur;

Called on all parties to attend and to engage fully and constructively in the talks, and, as a first step, to urgently agree and implement a cessation of hostilities to be overseen by the United Nations and the African Union;

Underlined that an inclusive political settlement and the successful deployment of UNAMID were essential for re-establishing peace and stability in Darfur.

**Decision of 31 October 2007 (5774th meeting):
resolution 1784 (2007)**

At its 5774th meeting, on 31 October 2007, the Council included in its agenda the report of the Secretary-General dated 23 October 2007.²⁴¹ In his report, the Secretary-General observed that the Comprehensive Peace Agreement was facing a difficult time and that failure by the parties to provide the political will to make concrete progress on the outstanding issues could undermine the integrity of the agreement. The Secretary-General reported that the six-year interim period had entered its second phase, during which the focus of the peace process would become increasingly political. In line with the schedule on the implementation of the Agreement, he

²⁴⁰ S/PRST/2007/41.

²⁴¹ S/2007/624, submitted pursuant to paragraph 11 of resolution 1590 (2005).

encouraged the parties, with the support of the United Nations, to increase their efforts to prepare for the census and elections. He further commended the progress made by the Government of Southern Sudan in the establishment of institutions, particularly at the central, state and county levels, but expressed concern at the continued delays in the nationally led disarmament, demobilization and reintegration process. Reiterating that the full implementation of the Agreement was central to the attainment of a long-lasting peace throughout the Sudan, he again urged the parties to implement all provisions of the agreement without delay.

The President drew the attention of the Council to a draft resolution submitted by Belgium, France, Italy, the United Kingdom and the United States;²⁴² it was put to the vote and adopted unanimously and without debate as resolution 1784 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIS until 30 April 2008, with the intention to renew it for further periods;

Requested the Secretary-General to report to the Council every three months on the implementation of the mandate of UNMIS, progress on implementation of the Comprehensive Peace Agreement, and respect for the ceasefire;

Urged UNMIS to continue its efforts consistent with its mandate to assess progress in redeployment of forces, in particular in the areas of Unity, Upper Nile, Southern Kordofan, Abyei and Blue Nile, and to reinforce its ability to assist the parties in reducing tension in areas of potential conflict between them and further urged the parties immediately to speed up efforts towards the completion of redeployment of forces;

Urged UNMIS to increase its support for the National Disarmament, Demobilization and Reintegration Coordination Council and the Northern and Southern Sudan Disarmament, Demobilization and Reintegration Commissions and further urged donors to respond to calls for assistance from the joint United Nations Disarmament, Demobilization and Reintegration Unit.

**Deliberations of 27 November 2007
(5784th meeting)**

At its 5784th meeting, on 27 November 2007, the Council included in its agenda the report of the Secretary-General on the deployment of UNAMID dated 5 November 2007.²⁴³ In his report, the Secretary-

²⁴² S/2007/642.

²⁴³ S/2007/653, submitted pursuant to paragraph 6 of resolution 1769 (2007).

General expressed concern that the security incidents occurred over the past month and the continuing delays in the deployment of UNAMID could lead to a further deterioration of the situation on the ground. Appealing to Member States to contribute the missing transportation and aviation capabilities for UNAMID, he warned that, without those critical units, the mission would not be able to implement its mandate. Recalling that the speedy and effective deployment of UNAMID also depended on the cooperation of the Government of the Sudan, he welcomed the most recent steps taken by the Government to establish an inter-ministerial committee and a technical mechanism to facilitate peacekeeping in Darfur and called on the Government to agree to the troop composition of UNAMID as submitted by the United Nations and the African Union. Noting that the beginning of the peace talks in Sirte represented a unique opportunity to achieve a definitive solution to the conflict in Darfur, and that the deployment of a robust African Union-United Nations peacekeeping force would make a difference and help to improve the security conditions on the ground, the Secretary-General urged all parties to commit to an immediate cessation of hostilities and engage constructively in the United Nations and African Union-led talks.

Statements were made by all Council members, the representative of the Sudan, the United Nations Special Envoy for Darfur and the Under-Secretary-General for Peacekeeping Operations.

In his briefing, the Special Envoy for Darfur, while highlighting the gradual deterioration in the humanitarian, security and political situation, reported that the tone of the Darfur peace talks in Sirte, which started on 27 October 2007, had been constructive. He acknowledged, however, that the atmosphere was less positive than at the time of the adoption of resolution 1769 (2007) and the successful Arusha consultations, due to, among other issues, a lack of cohesion and preparedness inside the rebel movements and the non-participation of some factions. He believed that, while maintaining the momentum through continuous engagement with the movements and the Government of the Sudan, reasonable time should be allowed for the composition of the Government's delegation and for the movements to finalize their preparations for the talks, avoiding risking the credibility of the process by rushing to convene substantive talks. He called on the international community, and in particular the Security

Council, to urge the parties to intensify such preparations, without allowing them to derail the process.²⁴⁴

The Under-Secretary-General for Peacekeeping Operations noted that while the first elements of the joint African Union-United Nations peacekeeping efforts for Darfur were coming together, serious challenges remained in the deployment process. The security and humanitarian situation, he added, remained very worrying and, at the same time, there were fundamental challenges in the areas of force generation, particularly the critical mobility capacity and the final identification of the force composition, as well as a number of bureaucratic impediments. With regard to the support of the Government of the Sudan, he reported that, although a direct response to the list of troop contributors to UNAMID had not been received, the Government of the Sudan had made clear its reluctance to accept certain non-African units in the force, particularly those from Thailand and Nepal, as well as the Nordic engineering company. Stressing that there was no alternative to the inclusion of non-African units, the Under-Secretary-General also briefed the Council on the serious difficulties between the Government of the Sudan and the United Nations Secretariat regarding the conclusion of a status-of-forces agreement, as the proposals by the Government included features that would make it impossible for the mission to operate, in particular with regard to freedom of movement of personnel and integrity of its communications. Recalling that the ability to find a solution to the crisis in Darfur was ultimately linked to the political process, he concluded that the efforts to deploy a capable peacekeeping operation, able to fulfil its mandate and to help the parties implement the outcome of their negotiations, required the Security Council's continued engagement, as well as the active support of the Government of the Sudan.²⁴⁵

The representative of the Sudan reaffirmed his country's full commitment to resolution 1769 (2007), as recently demonstrated by its participation in the Sirte peace talks. While highlighting his country's efforts to fulfil its obligations in the deployment of UNAMID, he affirmed that a discussion on the troop-deployment agreement should take place among the African Union, the United Nations and the Government

²⁴⁴ S/PV.5784, pp. 2-5.

²⁴⁵ *Ibid.*, pp. 5-9.

of the Sudan, and not in the Security Council. Reaffirming his country's commitment to a peaceful political settlement of the Darfur question, he hoped to see a prompt resumption of the Sirte negotiations and the inclusion of those movements that rejected the Abuja agreement in the peace process, while avoiding any mixed messages that could negatively affect the negotiations.²⁴⁶

Expressing concern over the worsening of the humanitarian situation and the lack of cohesion among rebel groups, Council members generally supported the launch of the Sirte negotiations under the auspices of the co-mediators from the United Nations and the African Union; reiterated that the Darfur Peace Agreement provided the framework for the peaceful resolution of the conflict in Darfur; called for the speedy conclusion of political negotiations, ensuring that all armed groups engaged fully in the peace talks; and stressed the need for progress on the political, humanitarian and security fronts, as well as on the issue of impunity, in order to deploy successfully.

In connection with the political talks for Darfur, several delegations, expressing concern about the fact that some movements and rebel groups had decided not to participate in the Sirte negotiations, urged the international community and the Security Council to adopt strong measures and do everything possible to ensure that everyone joined that process.²⁴⁷ The representatives of the United Kingdom and the United States urged the Secretary-General to appoint a chief mediator to lead the Darfur peace process.²⁴⁸ The representative of Belgium opined that a cessation of hostilities on the part of all parties, under an effective monitoring mechanism, was a necessary precondition to any progress.²⁴⁹

With regard to the deployment of UNAMID, despite the progress that had been achieved, most speakers expressed concern over the continued delays regarding critical key areas; appealed for its quick and full deployment; appealed to troop-contributing countries to provide the missing mobility capabilities; and urged the United Nations and the African Union to speed up the transfer of authority from AMIS to

UNAMID. A number of speakers expressed concern with respect to the behaviour of the Government of the Sudan that was causing delays in the arrangements for the deployment of the mission.²⁵⁰ The representative of the United States urged the Government of the Sudan to immediately approve the list of troop-contributing countries, conclude an acceptable status-of-forces agreement, and remove the multiple logistical obstacles impeding progress, asking the Security Council to be unrelenting in demanding that the Government commit itself to the peacekeeping mission and take all necessary measures to facilitate its immediate deployment.²⁵¹ The representative of the Russian Federation said that his country expected that the Sudanese leadership would do everything possible to remove all obstacles and cooperate with the United Nations and the African Union in the peacekeeping work in Darfur.²⁵² The representatives of France and Belgium called for the full cooperation of the Government of the Sudan with the deployment of UNAMID, stating that it was time for the Sudanese authorities to translate the commitments undertaken with resolution 1769 (2007).²⁵³ The representative of Slovakia, noting that it was unacceptable for the Government of the Sudan to choose which troop-contributing countries could be allowed to participate in the force, called on the Government to agree without delay on the proposed composition of the force and finalize the process of the deployment of UNAMID.²⁵⁴

The representative of Panama, expressing concern about the delays in obtaining necessary troops, stated that better cooperation and interaction among the parties was essential.²⁵⁵ The representative of China, recalling the unprecedented scale of UNAMID, involving cooperation and interaction between the Government of the Sudan, the United Nations and the African Union, stated that the only way forward was to continue to strengthen consultation and cooperation among all parties and to steadily reinforce mutual political trust in the process.²⁵⁶ The representative of

²⁴⁶ Ibid., pp. 9-11.

²⁴⁷ Ibid., p. 12 (United States); p. 14 (United Kingdom); p. 15 (China); p. 16 (Russian Federation).

²⁴⁸ Ibid., p. 12 (United States); and p. 14 (United Kingdom).

²⁴⁹ Ibid., p. 23.

²⁵⁰ Ibid., pp. 11-12 (United States); pp. 13-15 (United Kingdom); p. 17 (Russian Federation); p. 19 (France); pp. 20-21 (Slovakia); pp. 21-22 (Italy); p. 23 (Congo); p. 23 (Belgium); and p. 25 (Peru).

²⁵¹ Ibid., pp. 11-12.

²⁵² Ibid., p. 17.

²⁵³ Ibid., p. 19 (France); and p. 23 (Belgium).

²⁵⁴ Ibid., p. 21.

²⁵⁵ Ibid., pp. 18-19.

²⁵⁶ Ibid., pp. 15-16.

Qatar stressed that, despite difficulties, work was under way to implement resolution 1769 (2007), emphasizing that the Government of the Sudan had created an inter-agency ministerial committee in preparation for the deployment of UNAMID. Holding the view that the reservations of the Government of the Sudan in relation to the composition of the force should be taken into account, as the party primarily concerned, he stated that dialogue, understanding and a constructive coordination should be promoted with the Government.²⁵⁷ The representative of Indonesia called on the Secretariat to continue to consult with the Sudanese authorities with a view to swiftly agreeing on the remaining technical issues.²⁵⁸

With regard to the worsening of the humanitarian situation, the representative of the United Kingdom called on the Sudan to lift restrictions on humanitarian access, while the representative of Slovakia called on all parties to recommit to the full implementation of the joint communiqué on humanitarian activities.²⁵⁹ The representative of South Africa said that all steps should be taken to ensure the security of civilian populations and internally displaced persons and, in this regard, expressed concern at the presence of militia and rebel groups in and around some camps of internally displaced persons.²⁶⁰

A number of speakers also linked a sustainable peace in Darfur to ending the culture of impunity. In this regard, noting that the Council looked to the Government of the Sudan to carry out the arrest warrants issued by the International Criminal Court, the representative of the United Kingdom said it was an insult to the Council that one of the indictees charged with crimes against humanity had been appointed a minister in the Government.²⁶¹ The representative of Slovakia expressed his country's full support of the investigation and prosecution of crimes in Darfur by the Court.²⁶²

²⁵⁷ *Ibid.*, p. 24.

²⁵⁸ *Ibid.*, p. 26.

²⁵⁹ *Ibid.*, p. 14 (United Kingdom); and p. 21 (Slovakia).

²⁶⁰ *Ibid.*, p. 13.

²⁶¹ *Ibid.*, pp. 14-15.

²⁶² *Ibid.*, p. 21.

Deliberations of 5 December 2007 (5789th meeting)

At its 5789th meeting, on 5 December 2007, the Council heard a briefing by the Prosecutor of the International Criminal Court on the activities of his Office pursuant to resolution 1593 (2005), following which statements were made by all Council members.

In his briefing, the Prosecutor reported that the Government of the Sudan had not complied with its legal obligations under the terms of resolution 1593 (2005), nor had it cooperated with the Prosecutor's Office or the Court. Despite the commitment, he added, the Sudanese authorities, notwithstanding their ability to do so, had not taken any steps to prosecute domestically, or to arrest and transfer to the Court Ahmad Harun and Ali Kushayb, for whom the Court had issued arrest warrants for crimes against humanity and war crimes committed in Darfur. Reiterating that it was not acceptable for the Government of the Sudan to refuse to cooperate with the Court, he asked the Security Council to ensure respect for resolution 1593 (2005). The Prosecutor further stated that massive crimes continued to be committed in Darfur, and he was therefore preparing to open two new investigations: first, into consistent indications of a pattern of attacks by Sudanese officials against civilians, in particular against those 2.5 million people forcibly displaced into camps; and second, into reports of an increasing number of attacks against humanitarian personnel and peacekeepers. With regard to the first new investigation, the Prosecutor stated that all information pointed to a calculated, organized campaign by Sudanese officials to attack individuals and further destroy the social fabric of entire communities. He further drew attention to the extensive role played by one of indictees, Ahmad Harun, defining him as a key actor, who had coordinated the first phase of the "criminal plan" in Darfur in 2003-2004. In the second phase of such a plan, which was still occurring, civilians were being attacked in the camps of internally displaced persons. Failure to take any step to investigate or arrest Ahmad Harun and failure to remove him from office were clear indications of the support he had received from other high officials of the Government. The Prosecutor therefore announced that his Office would proceed to investigate those bearing the greatest responsibility for ongoing attacks against civilians — those who maintained Harun in a position to commit crimes and

who instructed him. With regard to the second new investigation, he said that attacks against international peacekeepers and humanitarian workers could constitute a war crime under the Rome Statute and noted with concern that the Sudan was not taking any measures to protect international forces in its territory. He therefore asked all members of the Council, all States Members of the United Nations, and all relevant organizations to volunteer specific information and thus assist in conducting these two new investigations. In concluding his briefing, the Prosecutor asked the Security Council for consistency and called on it to send a strong and unanimous message to the Government of the Sudan, requesting compliance with resolution 1593 (2005) and the execution of the arrest warrants.²⁶³

In the subsequent discussion, several members urged the Government of the Sudan to cooperate with the International Criminal Court, as required by resolution 1593 (2005), including by arresting the two indictees and surrendering them to the Court; and felt that the Council had to react to the conclusions by the Prosecutor and send a strong message supporting the Court, reminding the Sudanese authorities of the terms of resolution 1593 (2005) and the obligations set out therein.²⁶⁴ Considering justice as an integral part in the search for peace and security in Darfur, many members considered the lack of cooperation by the Government of the Sudan with the Court as a challenge to the Council's authority as expressed in resolution 1593 (2005), with the representative of Belgium recalling that it had been adopted under Chapter VII of the Charter.²⁶⁵ The representative of the United States, sharing the assessment of the Prosecutor, called on the Government of the Sudan to cooperate fully with the Court, as required by resolution 1593 (2005), and stressed his country's strong belief in the need for accountability for acts of genocide, war crimes and crimes against humanity committed in Darfur.²⁶⁶

The representative of the Congo insisted that all of the perpetrators in Darfur needed to be charged, including those in the rebel movements, as impartiality would serve as the criterion for judging the action of the Court and the Security Council.²⁶⁷

By contrast, the representative of Qatar stressed that the Council must proceed cautiously, so that the invitation by the Prosecutor to urge the Government of the Sudan to cooperate with the Court was not interpreted as a request for action on the part of the Council against the Sudan as his delegation did not want to politicize the issue in any way. He further cautioned that neither the Court nor its Prosecutor should be viewed as political tools in the hands of the Security Council; rather, the Court must be seen as an independent and impartial judicial body that strove to achieve justice and not political goals or purposes. He noted that the Council needed to understand the legal rights of the Sudan according to the Statute of the Court, which included the right to challenge the admissibility of the case, and its various legal options, including domestic prosecutions, and urged Council members not to prejudge by putting emphasis on the arrest of wanted individuals as the only option.²⁶⁸ Echoed by the representative of Indonesia, he noted that the role of the Court, in accordance with the Rome Statute, should be complementary to national criminal jurisdiction.²⁶⁹ The representative of the Russian Federation noted that, since the atmosphere of mistrust between the Sudan and the Court was not helping the investigation, efforts should be undertaken to promote a constructive dialogue between the parties and added that an important aspect in this regard would be for the investigation to focus on crimes committed by rebels and by fully involving the Sudanese legal system in investigating the crimes committed. He therefore emphasized that, at such a politically sensitive juncture, it was crucial to act with extreme caution to promote UNAMID in the region, fully mindful of the consequences that any actions regarding the situation in the region could have for hundreds of thousands of people.²⁷⁰ According to the representative of China, it was only through an improvement of the situation in Darfur and the stabilization of the political situation that the problem of impunity could be resolved.

²⁶³ S/PV.5789, pp. 2-6.

²⁶⁴ *Ibid.*, p. 7 (Panama); p. 8 (France); pp. 8-9 (United Kingdom); p. 9 (Belgium); p. 11 (Slovakia); pp. 13-14 (South Africa); p. 14 (Ghana); pp. 16-17 (Peru); and p. 18 (Italy).

²⁶⁵ *Ibid.*, p. 7 (Panama); p. 8 (France); pp. 8-9 (United Kingdom); p. 9 (Belgium); p. 11 (Slovakia); p. 14 (Ghana); and p. 18 (Italy).

²⁶⁶ *Ibid.*, p. 12.

²⁶⁷ *Ibid.*, p. 17.

²⁶⁸ *Ibid.*, pp. 14-16.

²⁶⁹ *Ibid.*, p. 13 (Indonesia); and p. 15 (Qatar).

²⁷⁰ *Ibid.*, p. 10.

Highlighting that the most urgent aspect of resolving the crisis in Darfur was to stabilize and improve the security situation, he stated that ignoring the overall political and security situation and exclusively stressing the issue of impunity by pushing for mandatory measures was an approach unlikely to result in cooperation and support from the Government of the Sudan and to overall solve the problem of Darfur.²⁷¹

²⁷¹ Ibid., pp. 10-11.

17. Security Council meetings in Nairobi (18-19 November 2004)

Initial proceedings

Decision of 26 October 2004 (5063rd meeting): resolution 1569 (2004)

At its 5063rd meeting, on 26 October 2004, the Security Council included in its agenda the item entitled “Security Council meetings in Nairobi (18-19 November 2004)”. The President (United Kingdom) drew attention to a draft resolution;¹ it was then put to the vote and unanimously adopted as resolution 1569 (2004), by which the Council, *inter alia*:

Decided to hold meetings in Nairobi on 18 and 19 November 2004, and that the agenda for those meetings would be “The reports of the Secretary-General on the Sudan”;

Decided to discuss the Sudan with representatives of the African Union and the Intergovernmental Authority on Development, and to discuss other peace efforts in the region;

Decided to waive the requirement that a verbatim record should be made available on the first working day following the meeting and decided that the verbatim record would be issued subsequently in New York.

¹ S/2004/857.

18. Items relating to the African Union

A. Institutional relationship with the African Union

Initial proceedings

Decision of 19 November 2004 (5084th meeting): statement by the President

At its 5084th meeting, held in Nairobi on 19 November 2004, the Security Council included in its agenda the item entitled “Institutional relationship with the African Union”.¹ The Council heard a briefing by the Chairman of the African Union (Nigeria), following which statements were made by the representatives of Benin and the United Kingdom.

The Chairman of the African Union welcomed the decision of the Council to convene the meeting in Nairobi, which was a confirmation of the importance that the Council attached to African issues. He noted that cooperation between the African Union and the Council

had covered a wide variety of areas, *inter alia*, conflict prevention, conflict resolution, peacekeeping and peacebuilding, disarmament, demobilization and reintegration, and development. In particular, he noted the cooperation in Darfur, Sierra Leone, Liberia, the Democratic Republic of the Congo and Côte d’Ivoire. He reaffirmed the commitment of the African Union to play a strong role on the continent in the area of conflict resolution, and sustainable peace and development.²

The representative of Benin stated that the creation of the Peace and Security Council of the African Union and the decision to establish an Africa rapid reaction standby force and an early warning system had created a new structural dynamic, making the African Union a partner of the United Nations in

¹ For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to general considerations of the provisions of Chapter VIII of the Charter.

² S/PV.5084, p. 2.

resolving the problems faced by Africa in matters of international peace and security.³

The representative of the United Kingdom observed that the Peace and Security Council was far-reaching and even recognized the principle that an intervention on a territory may be permissible if a Government was not protecting its own citizens, or if the situation in that country affected neighbouring countries; and that intervention, if necessary, could be made against the wishes of the country concerned. Noting that the mission in Darfur undertaken by the African Union was being carried out, he underlined the importance of the draft presidential statement since it recognized the need to help the African Union develop its capabilities, including a rapid-reaction capability. He concluded by underlining the United Nations responsibility to work with the African Union to address African issues.⁴

The President (United States) made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Welcomed the establishment of the African Union Peace and Security Council and expressed its support for early ratification of the Peace and Security Protocol by all African States and the establishment of an African standby force and an early warning system in Africa;

Recognized the importance of strengthening cooperation with the African Union in order to help build its capacity to deal with collective security challenges;

Particularly welcomed the leading role of the African Union in efforts to settle crises in the African continent and expressed its full support for the peace initiatives conducted by the African Union, and through subregional organizations;

Also welcomed the strengthening of practical cooperation between the United Nations and the African Union, as demonstrated in the case of the African Mission in the Sudan and the African Mission in Burundi;

Called on the international community to support the efforts of the African Union to strengthen its capacities for peacekeeping, conflict resolution and post-conflict reconstruction, through the provision of information, training, expertise and resources, as well as to support the activities of the United Nations and its agencies in this regard.

³ Ibid., pp. 2-3.

⁴ Ibid., pp. 3-4.

⁵ S/PRST/2004/44.

B. Briefing by the Chairman of the African Union

Initial proceedings

Deliberations of 31 May 2006 (5448th meeting)

At its 5448th meeting, held on 31 May 2006, the Security Council heard a briefing by the Chairman of the African Union (Congo).⁶

In his statement, the Chairman stated that in the light of the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa,⁷ the partnership that had been established between the United Nations and the African Union was based upon a vision which clearly established that there could be no peace without development and there could be no development without peace. He stressed that because international peace and security were so closely linked, the Security

Council and the African Union must deal appropriately with issues of economic and social development, poverty elimination, national reconciliation, good governance, social justice and others. He pointed out that the creation within the African Union of the peer review mechanism had responded to the need to be aware of the multidimensional aspect of the conflicts in Africa. He welcomed the creation of the Peacebuilding Commission as the African Union appealed for sustained, long-term international support that could avoid a relapse or return to post-conflict situations in Angola, Burundi, Guinea-Bissau, Liberia and Sierra Leone. He welcomed the adoption of the resolution on enhancing the effectiveness of the role of the Security Council in conflict prevention, particularly in Africa,⁸ and noted that the African Union now had the

⁶ The Congo was represented by its President, and the United Republic of Tanzania by its Prime Minister.

⁷ S/1998/318.

⁸ Resolution 1625 (2005).

appropriate tools to implement the partnership, including the African Union Peace and Security Council and the African Union Non-Aggression and Common Defence Pact. Lastly, the Chairman emphasized the common will to put an end to the intolerable situations that continued in Africa by making best use of all the means that international cooperation provided, particularly in the framework of

the partnership that had been established between the Security Council and the African Union.⁹

Immediately following the briefing, at the 5449th meeting, held in private, the members of the Council and the Chairman of the African Union had a constructive exchange of views.

⁹ S/PV.5448, pp. 2-3.

19. Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda

Initial proceedings

Deliberations of 19 April 2006 (5415th and 5416th meetings)

At its 5415th meeting, held on 19 April 2006, the Security Council included in its agenda the item entitled “Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda”. The Council heard briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda.

In his briefing, the Minister for Foreign Affairs of Uganda noted the threat posed to regional peace and security in northern Uganda, southern Sudan and the eastern part of the Democratic Republic of the Congo by the Lord’s Resistance Army (LRA). He focused on the establishment by the Government of Uganda, the United Nations, core partner countries and representatives of non-governmental organizations of the joint country coordinating and monitoring mechanism to support the Government’s strategy and plan of action to address the humanitarian situation and the resettlement of internally displaced persons in northern Uganda. This would comprise, inter alia, a joint monitoring committee, tasked with identifying, discussing and monitoring issues related to the emergency action plan for humanitarian intervention in LRA-affected areas; providing advice to Government, key partners and other stakeholders on action areas; establishing benchmarks and mobilizing resources needed for the implementation of the emergency humanitarian action plan; and ensuring that decisions taken by the joint monitoring committee were implemented by relevant ministries and institutions. The committee would be expected to ensure the timely implementation of the emergency action plan designed to improve the humanitarian situation facing internally displaced persons as well. He informed the Council that the Government of Uganda was working with development partners on a comprehensive peace, recovery and development strategy for northern Uganda.¹

In his briefing, the Minister of Defence of Uganda addressed the question of the LRA terrorist organization as a regional threat to peace and security in northern Uganda, southern Sudan and the Democratic Republic of the Congo. While the LRA terrorist group had been severely degraded by combined efforts of the Uganda People’s Defence Force, the Sudan People’s Liberation Army and the Sudanese Armed Forces, LRA was now operating mainly in Garamba National Park in the Democratic Republic of the Congo. He expressed concern that LRA was slowly rebuilding its capacity by recruiting through abductions in southern Sudan and the

Democratic Republic of the Congo and becoming a stronger potential threat to regional peace and security. He noted that LRA was also likely to link up with the Allied Democratic Forces and other negative forces in the Democratic Republic of the Congo to attack Uganda, at which point Uganda would be forced to act in self-defence. He recalled that similar attacks had been the cause of Uganda's involvement in the Democratic Republic of the Congo in 1997 and 1998. Noting that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) had two companies based in an area only 50 km away from the LRA forces, he stressed that MONUC and the United Nations Mission in the Sudan (UNMIS) had not taken resolute action against LRA. He also emphasized the importance of developing combined efforts by regional stakeholders, with the support of the international community, to disarm, capture or arrest the indicted LRA terrorist leaders and hand them over to the International Criminal Court. Finally, he called upon the Security Council to support strong measures that included adequate mandates for MONUC and UNMIS to forcefully disarm LRA, and to send a clear message to LRA supporters that any such support would not be tolerated by the Council.²

Following the briefings, at the 5416th meeting, held in private, Council members, the Minister for Foreign Affairs and the Minister of Defence had an exchange of views.

¹ S/PV.5415, pp. 2-4.

² Ibid., pp. 5-6.

20. The situation in Chad and the Sudan

Initial proceedings

Decision of 25 April 2006 (5425th meeting): statement by the President

At its 5425th meeting, on 25 April 2006, the Security Council included in its agenda the item entitled "The situation in Chad and the Sudan". The President (China) drew the attention of the Council to a letter dated 13 April 2006 from the representative of Chad addressed to the Secretary-General,¹ in which Chad expressed its concern at the acts of aggression directed against Chad by the Sudan and the threat to State institutions. The representative urged the Council to take the necessary measures prescribed by the Charter of the United Nations to put an end to the aggression against Chad. The representative of Chad was invited to participate in the discussion. The

¹ S/2006/256.

President made a statement on behalf of the Council,² by which the Council, inter alia:

Welcomed the Secretary-General's briefing on 18 April 2006 on relations between Chad and the Sudan and endorsed his deep concerns over the political and security situation and the instability along Chad's borders with the Sudan;

Welcomed the fact-finding mission dispatched by the African Union to Chad;

Endorsed the statement of 13 April 2006 made by the African Union Peace and Security Council, in which it strongly condemned the rebel attacks against N'Djamena and the eastern town of Adré;

Called for political dialogue and a negotiated solution to the continuing crisis within Chad;

Reaffirmed the sovereignty, independence and territorial integrity of Chad and the Sudan;

² S/PRST/2006/19.

Called upon States in the region to cooperate in ensuring their common stability;

Noted with deep concern the deteriorating relations between Chad and the Sudan, and urged the Governments of the two countries to abide by their obligations under the Tripoli Agreement of 8 February 2006 and to urgently start implementing the confidence-building measures which had been voluntarily agreed upon; was concerned about the situation of the refugees from the Darfur region of the Sudan and from the Central African Republic, as well as the situation of the thousands of internally displaced persons in Chad.

**Decision of 15 December 2006 (5595th meeting):
statement by the President**

At the 5441st meeting, on 19 May 2006, the representative of Chad was invited to participate in the discussion. The Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who reported on his visit to the Sudan and Chad. He stressed the importance of implementing the Darfur Peace Agreement and bringing those on board who had not yet signed it; immediately and substantially strengthening the African Union Mission in the Sudan; taking concrete steps to accelerate the transition to a United Nations operation; and ensuring security and funding for the humanitarian lifeline. He deplored the humanitarian crisis, particularly in southern Darfur. Reporting on a number of violent demonstrations against the Agreement in camps for internally displaced persons, he pointed out the importance of improving security in those camps. Turning to the situation in Chad, he also expressed concern about the security of the civilian population and relief workers in eastern Chad. Noting the total lack of law and order in eastern Chad, he deplored the targeting of refugees and internally displaced persons, including children, for recruitment by armed groups. Reporting that the President of Chad had indicated that his Government did not have the capacity to provide security and protection for the civilian population and humanitarian organizations in eastern Chad, he highlighted the need to consider a number of options, including providing assistance to the Government of Chad.³

At the 5595th meeting, on 15 December 2006, the representative of Chad was invited to participate in the

³ S/PV.5441, pp. 2-6.

discussion. The President (Qatar) made a statement on behalf of the Council,⁴ by which the Council, inter alia:

Expressed its grave concern regarding the increase in military activities of armed groups in eastern Chad;

Strongly condemned all attempts at destabilization by force; expressed its concern regarding the threat that the increase in military activities of armed groups in eastern Chad posed for the safety of the civilian population and of humanitarian personnel and the maintenance of their operations in the eastern part of the country;

Stressed that a peaceful settlement to the conflict in Darfur, in accordance with the Darfur Peace Agreement and relevant Security Council resolutions, would contribute to restoring security and stability in the region, in particular in Chad and the Central African Republic;

Expressed its concern over the continuing tensions between Chad and the Sudan, urged the two States to abide fully by the obligations they assumed with regard to respect for and securing of their common border in the Tripoli Agreement of 8 February 2006.

**Decision of 16 January 2007 (5621st meeting):
statement by the President**

At its 5621st meeting, on 16 January 2007, the Council included in its agenda the report of the Secretary-General on Chad and the Central African Republic.⁵ In his report, the Secretary-General observed that the situation in the border areas had deteriorated considerably and constituted a serious threat to regional peace and security, adding that the conflict in Darfur had clearly spilled over into Chad and that the conflicts in Darfur, Chad and the Central African Republic appeared increasingly interlinked. He expressed serious concern about the humanitarian and human rights situation in the region. Noting the current hostilities between the respective Governments and rebel groups, he saw only limited prospects for a meaningful dialogue and reconciliation process. He, therefore, believed that the conditions for an effective United Nations peacekeeping operation were not in place. However, should the Council decide to pursue the establishment of a multidisciplinary presence in eastern Chad and the north-eastern Central African Republic, the Secretary-General would recommend a robust monitoring and protection mission. In the meantime, he suggested that the Council might

⁴ S/PRST/2006/53.

⁵ S/2006/1019, submitted pursuant to paragraphs 9 (d) and 13 of resolution 1706 (2006).

consider dispatching an advance team to collect further information, explore the possibilities for a political agreement and conduct additional planning and logistic preparations.

The representative of the Central African Republic was invited to participate in the discussion. The President (Russian Federation) made a statement on behalf of the Council,⁶ by which the Council, *inter alia*:

Reiterated its concern about the continuing instability along the borders between the Sudan, Chad and the Central African Republic and about the threat which this posed to the

safety of the civilian population and the conduct of humanitarian operations;

Noted the Secretary-General's intention to authorize the immediate return of the technical assessment mission to the region in order to complete its observations that were curtailed on security grounds and requested him to submit, by the middle of February 2007, updated and finalized recommendations on the size, structure and mandate of a United Nations multidimensional presence;

Requested that the Secretary-General deploy as soon as possible an advance mission to Chad and the Central African Republic, in consultation with their Governments, as envisaged in paragraph 88 of his report.

⁶ S/PRST/2007/2.

21. The situation in Chad, the Central African Republic and the subregion

Initial proceedings

Decision of 27 August 2007 (5734th meeting): statement by the President

At its 5734th meeting, on 27 August 2007, the Security Council included in its agenda the item entitled "The situation in Chad, the Central African Republic and the subregion" and the report of the Secretary-General dated 10 August 2007 on Chad and the Central African Republic.¹ In his report, the Secretary-General indicated that the authorities in Chad had expressed concern about the military component of the proposed multidimensional United Nations presence in eastern Chad and the north-eastern Central African Republic, as set out in his report dated 23 February 2007,² and added that the current report was based on consultations with the authorities of both countries and relevant stakeholders on the ground.

He detailed the revised concept for an international multidimensional presence in eastern Chad and the north-eastern Central African Republic, which had three significant adjustments to the previous proposal. First, the tasks and functions of the military component would be performed by a European Union military force for the first 12 months of the deployment. Thereafter, a follow-on agreement, including a possible United Nations successor, would

be put in place. Second, there would be no direct involvement of the multidimensional international presence in the border area. Third, Chadian police and gendarmes, serving in refugee camps and at internally displaced person sites, would remain under national authority, while being trained, monitored and mentored by the United Nations police component. Expressing concern about the security and humanitarian situation in the region, the Secretary-General reiterated the importance of the proposed United Nations mission, which he hoped, in conjunction with the newly authorized African Union-United Nations Hybrid Operation in Darfur (UNAMID), would help stabilize the situation in the region, pending political agreements for a lasting solution. Finally, he emphasized the importance of proper coordination between the United Nations, the European Union and the authorities in Chad, and underlined the need for early preparation for the recommended follow-on military component.

The President (Congo) made a statement on behalf of the Council,³ by which the Council, *inter alia*:

Welcomed the report of the Secretary-General of 10 August 2007, which proposed a revised concept of operations for a multidimensional presence aimed at contributing to the protection of refugees, internally displaced persons and civilian

¹ S/2007/488.

² S/2007/97.

³ S/PRST/2007/30.

populations at risk in eastern Chad and the north-eastern Central African Republic as well as facilitating the provision of humanitarian assistance;

Requested the Secretary-General to study the follow-on arrangements for this multidimensional presence after a period of 12 months, in particular on the basis of a joint assessment of requirements to be conducted by the United Nations Organization and the European Union six months after the deployment of the multidimensional presence;

Expressed its readiness to authorize the establishment of a multidimensional presence in eastern Chad and the north-eastern Central African Republic;

Requested the Secretary-General to continue to keep it closely informed of the preparations for each element of the multidimensional presence, including further details on the structure, modalities and force levels.

**Decision of 25 September 2007
(5748th meeting): resolution 1778 (2007)**

At its 5748th meeting, on 25 September 2007, the Council again included in its agenda the report of the Secretary-General on Chad and the Central African Republic.⁴ The representatives of the Central African Republic and Chad were invited to participate in the discussion.⁵

The President (France) drew attention to a draft resolution;⁶ it was put to the vote and adopted unanimously and without debate as resolution 1778 (2007), by which the Council, *inter alia*:

Approved the establishment in Chad and the Central African Republic of a multidimensional presence intended to

help to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, *inter alia*, by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas;

Decided that the multidimensional presence should include, for a period of one year, a United Nations Mission in the Central African Republic and Chad (MINURCAT);

Requested the Secretary-General and the Governments of Chad and the Central African Republic to conclude status-of-forces agreements for MINURCAT as soon as possible;

And, acting under Chapter VII of the Charter of the United Nations:

Authorized the European Union to deploy an operation;

Requested the Secretary-General to report to it, after due consultations with the Governments of Chad and the Central African Republic;

Invited the Governments of Chad and the Central African Republic and the European Union to conclude status-of-forces agreements as soon as possible;

Requested the European Union to report to the Security Council, in the middle and at the end of the period of deployment;

Urged all Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic of all personnel, equipment, provisions, supplies and other goods intended for MINURCAT and the European Union operation;

Encouraged the respective Governments of the Sudan, Chad and the Central African Republic to cooperate actively with a view to implementing the Tripoli Agreement of 8 February 2006;

Exhorted the donor community to redouble its efforts to address the humanitarian, reconstruction and development needs of Chad and the Central African Republic.

⁴ S/2007/488.

⁵ Chad and the Central African Republic were represented by their respective Ministers for Foreign Affairs.

⁶ S/2007/563.

Americas

22. The question concerning Haiti

Decision of 26 February 2004 (4917th meeting): statement by the President

By a letter dated 23 February 2004, the representative of Jamaica, on behalf of the States members of the Caribbean Community (CARICOM), requested an urgent meeting of the Security Council for the purpose of considering the situation concerning Haiti in the light of the steadily deteriorating situation, which affected peace and security in the region.¹

At its 4917th meeting, on 26 February 2004, held in response to the request contained in the above-mentioned letter, the Council included the letter in its agenda.² In addition, the President drew attention to a letter dated 25 February 2004 from the representative of France addressed to the President of the Council,³ transmitting a statement by the Minister for Foreign Affairs of France on the situation in Haiti advocating the establishment of a transitional government of national unity in Haiti and promising the support of France, should that Government decide to proceed with elections before the summer of that year. In addition, France proposed an initiative that broadened an earlier plan by CARICOM and included the following: the immediate establishment of a civilian peacekeeping force to guarantee the return to public order; international assistance for preparing the presidential election; the delivery of international humanitarian aid; the dispatch of human rights observers; and a long-term commitment to providing international aid for the economic and social reconstruction of the country. Those proposals would have to be legitimized and implemented by the international community and could involve regional organizations, such as the Organization of American States (OAS) and

CARICOM as well as the various United Nations bodies and the European Union. In addition, the Minister for Foreign Affairs stated that the spiral of violence had to be stopped; that President Jean-Bertrand Aristide bore heavy responsibility for the situation; and that it was up to him to accept the consequences while respecting the rule of law.

Statements were made by all members of the 77 Council, as well as by the representatives of Argentina, the Bahamas,⁴ Bolivia, Canada, Cuba, the Dominican Republic, Ecuador, Guatemala,⁵ Haiti, Ireland (on behalf of the European Union),⁶ Jamaica (on behalf of CARICOM),⁷ Japan, Mexico, Nicaragua, Peru, Venezuela and the Permanent Observer for the International Organization of la Francophonie.⁸

The representative of Jamaica, speaking on behalf of CARICOM, sought to call the urgent attention of the international community to the rapidly deteriorating situation in Haiti, which had reached crisis proportions given the continuing breakdown in law and order, the rising insurgency and conditions of sheer anarchy and chaos, and the worsening humanitarian crisis, causing displacement of the population and increasing numbers of refugees crossing the border. He reported that during the past weeks the political upheaval in Haiti had escalated, with heavily armed groups extending their control over parts of the country. The groups controlled all cities in the northern part of the country and would seek to advance on the capital. The weakened and

¹ S/2004/143.

² 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 Stabilization Mission in Haiti (MINUSTAH), pursuant to annex II, sections A and B of resolution 1353 (2001). The meetings were held on 24 November 2004 (5087th), 23 May 2005 (5183rd), 9 February 2006 (5367th), 8 August 2006 (5506th), 29 January 2007 (5625th) and 10 October 2007 (5755th).

³ S/2004/145.

⁴ The Bahamas was represented by the Minister for Foreign Affairs and Public Service.

⁵ The representative of Guatemala intervened in his capacity as President Pro-tempore of the Central American Integration System, on behalf of Belize, Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua, and Panama.

⁶ Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁷ Jamaica was represented by the Minister for Foreign Affairs.

⁸ The Secretary-General was present at the meeting but did not make a statement.

outnumbered Haitian National Police had in part been forced to abandon its posts, and some 70 persons had so far been killed. He held that the prevailing situation within Haiti could no longer be viewed as an internal matter and posed a serious threat to regional peace and security, given the outflow of refugees, which threatened to overwhelm the resources of States in the region. He also reported that the country was now locked in a political stalemate as a result of the steadfast refusal of the opposition to engage in the process of dialogue mandated by the CARICOM action plan. He pointed out that CARICOM had maintained that adherence to the following principles was critical: full application of democracy in Haiti; non-acceptance of a coup d'état in any form; and any change in Haiti had to be in accordance with the Constitution of Haiti. He held that regional organizations, in keeping with Chapter VIII of the Charter of the United Nations, were often the first recourse in addressing threats to peace and security. He recalled that CARICOM had negotiated an action plan, which included measures to improve the security climate and build confidence, including compliance with previous OAS resolutions, negotiation of rules for demonstrations, the release of detainees, disarmament of strong-arm groups, the strengthening of the police force and the enjoyment of fundamental freedoms. The plan had also envisaged the establishment of an electoral commission, the formation of a council of eminent persons, the appointment of a neutral and independent prime minister and the formation of a new government through a process of consultations between the Prime Minister, the President and the council of eminent persons. The plan had been accepted by President Aristide but rejected by the opposition. The representative held that the situation now was completely different in that it had turned from a political impasse over the exercise of rights and the role of opposition groups to a violent situation with incursions by heavily armed rebel forces from the north. He recalled that the Government of President Aristide had requested the international community to assist in the restoration of security, order and the rule of law within the country. He held that the United Nations had a special responsibility in assisting Haiti, given its past involvement in Haiti, and emphasized that its past role had been deemed relatively successful in stemming the downward spiral and in bringing the parties to the negotiating table. He emphasized that the volatile situation in Haiti and the potential for further chaos were not only a threat to the peace and security of the region but were also of great concern to the international

community. Against that background, CARICOM member States sought the direct and immediate intervention of the United Nations in Haiti within the context of the Charter. He called for the Council to authorize the urgent deployment of a multinational force to assist in the restoration of law and order, to facilitate a return to stability and to create an environment in which the continuing efforts to find a solution to the political crisis could be pursued. He underlined the willingness of some CARICOM members to contribute to such a force. He also called upon the Council to endorse urgent action by the international community to address the growing humanitarian crisis and to provide neighbouring States, affected by the growing surge of refugees, with the requisite resources for the provision of relief and humanitarian assistance to the refugees.⁹

The representative of Haiti warned that the situation in his country was urgent and serious and required the attention of the international community. He reported that since 5 February 2004, the country had been engulfed in an armed insurrection committed by armed groups made up of former members of a repressive paramilitary force designated as the Front for the Advancement and Progress of Haiti (FRAPH), which, according to his account, committed atrocities during the coup d'état of 1991, as well as of former members of the armed forces that had been dissolved in 1995, and of convicts who had escaped from prison. He held that the attacks of the armed groups jeopardized the stability of the country's institutions and noted that the humanitarian situation was alarming. He also noted that President Aristide had welcomed and consented to the plan for a solution to the crisis that was presented by the international community while the political opposition had rejected that plan. He reiterated the Government's call to the opposition to contribute to restoring peace and dialogue in order to find a negotiated political settlement, and expressed the Government's faith in the democratic future of Haiti. He stated that the Government of Haiti fully associated itself with the position of CARICOM, which requested that the Council remain seized of the matter concerning Haiti, and that it do its utmost to send urgently an international force to help restore peace, while conforming to the provisions of the Charter. He emphasized that the Government of Haiti wanted the Council to reiterate its condemnation of the acts of violence, indicate its refusal to accept any form of Government resulting from an

⁹ S/PV.4917, pp. 3-5.

anti-democratic and anti-constitutional process, and demand that the opposition accept a political compromise to resolve the crisis. He welcomed the appointment of a special adviser to the Secretary-General and the initiative to establish, in the country, an office of the Commission on Human Rights. He also anticipated international technical cooperation to professionalize the police, strengthen democratic institutions — in particular judicial institutions — to disarm armed groups and to provide security for elections.¹⁰

In their statements, most speakers condemned the acts of violence and underscored the deterioration of the economic, political and humanitarian situation in Haiti. Many speakers supported the efforts of CARICOM and OAS. A number of speakers urged the opposition to reconsider their negative response to the plan proposed by CARICOM and OAS. Most speakers also welcomed the appointment by the Secretary-General of a Special Adviser on Haiti. They underlined the need for urgent international assistance and urged all actors to facilitate the work of international agencies involved in humanitarian assistance.

Many speakers urged a broader engagement of the international community. The representative of Spain supported the dispatch of a civilian peacekeeping force, in accordance with the principles of the Charter, to guarantee security for humanitarian missions and for OAS and CARICOM mediation missions.¹¹ The representatives of Algeria and Brazil also held that the Council should urgently consider the deployment of an international force in Haiti in accordance with the Charter.¹² The representative of the Philippines proposed the deployment of an international civilian police presence to restore order on the ground. He further supported the possible deployment of a coalition of the willing to arrest continued violence and the breakdown of law and order.¹³ The representative of Angola expressed his readiness to support the deployment of an international force to support a political settlement.¹⁴ The representative of Benin called for robust measures to be employed.¹⁵ The representative of Germany held that the Council should

be ready to assist in the stabilization efforts in all possible ways.¹⁶ The representative of the United States held that if a sustainable political agreement was reached, his Government would support efforts to deploy an international force to support its implementation. In addition, he proposed that the OAS special mission in Haiti could serve as the foundation for an expanded international presence to professionalize the Haitian National Police, promote the rule of law, disarm gangs and encourage a climate of security conducive to democratic activity.¹⁷ The representative of France envisaged a civilian peacekeeping force that would not be a United Nations force, but would be authorized by the Council and based upon a Council mandate. He held that such a force could be an important complement to a political solution, in that it would be established immediately to support a government of national unity and could help to re-establish public order and support the humanitarian and human rights actions of the international community on the ground. He indicated that France would be prepared to contribute to such a force, supplementing contingents from the countries of the region.¹⁸ The representative of Chile held that the negotiation process should be conducted by the regional and subregional organs that were currently involved, but that the Council should not discard a more robust action should it become necessary. He cautioned, however, that any formula used in the consideration of dispatching a police or civilian force should be used to support the political agreement, once it was attained.¹⁹ The representatives of the Russian Federation, the United Kingdom and Romania acknowledged the call for international involvement in Haiti and expressed their readiness to consider proposals for an enhanced role of the international community.²⁰ The representative of China expressed his willingness to participate in the efforts of the international community to help to ease the current situation in Haiti and to attain lasting peace, stability and development in that country.²¹ The representative of Pakistan expressed his willingness to consider broader international engagement in support of a political solution in accordance with the Charter.²² The

¹⁰ Ibid., pp. 5-7.

¹¹ Ibid., p. 8.

¹² Ibid., pp. 8-9 (Algeria); and p. 18 (Brazil).

¹³ Ibid., p. 11.

¹⁴ Ibid., p. 12.

¹⁵ Ibid., p. 12.

¹⁶ Ibid., p. 13.

¹⁷ Ibid., pp. 14-15.

¹⁸ Ibid., p. 15.

¹⁹ Ibid., pp. 10-11.

²⁰ Ibid., p. 9 (Russian Federation); p. 10 (United Kingdom); and p. 16 (Romania).

²¹ Ibid., p. 18.

²² Ibid., p. 14.

representative of Ireland, on behalf of the European Union, welcomed the urgent initiative of the Government of France to invite representatives of the Government of Haiti, the opposition and civil society to talks in Paris and called on all parties to refrain from any harmful action while those discussions were ongoing.²³

In addition, the representative of France held that it was important to insist on the proposals of the two regional organizations relating to the establishment of a transitional government of national unity and, supported by the representative of Romania, proposed to supplement this by accelerating the timetable for presidential and general elections.²⁴

A number of delegations emphasized that the crisis in Haiti should be resolved peacefully and through constitutional means. The representatives of Brazil and Venezuela expressed their support for the constitutional Government of President Aristide, with Venezuela rejecting all attempts to overthrow the Constitution of that country or make any changes in it concerning the fixed terms for the election of authorities.²⁵ The representative of Nicaragua held that his Government fully supported President Aristide in the quest for a solution consistent with the Haitian constitutional order and the principles of the Inter-American Democratic Charter.²⁶ The representative of Cuba held that his Government would adhere strictly to its principled position of non-interference in the internal affairs of any country, including Haiti.²⁷

Many speakers emphasized the importance of the economic, social and institutional development of Haiti, and underlined that a solution to the political and humanitarian crises without addressing the economic issue would not suffice in the long-term. The representative of Pakistan held that earlier United Nations involvements in Haiti had not addressed many of the root causes and reminded the Council that his delegation had frequently advised against the premature disengagement of the United Nations in any conflict situation. He called for a more comprehensive approach, involving not just the Security Council, but also the General Assembly and the Economic and

Social Council, to address all the underlying issues in such complex situations. He held that if the United Nations became involved once again, it should do so with a sustained commitment to stay the course.²⁸ The representative of Brazil also held that the means adopted in earlier involvements of the Security Council had not brought about the envisaged results and that the root causes, including poverty, instability and institutional weakness, had yet to be addressed.²⁹ The representative of Cuba linked the current situation in Haiti with colonialism, exploitation, and the unjust and exclusionary international economic order.³⁰

Speakers condemned human rights abuses and called on all parties to respect human rights and humanitarian law. The representative of Peru called on the Council to send a clear signal that it was ready to take action and that it was monitoring respect for human rights in Haiti. In that regard, he put all political and social forces in the country on notice that the international community would not permit any violation of human rights to go unpunished.³¹

The representative of the Dominican Republic reiterated his Government's offer of good offices.³²

The representative of Mexico called upon the Secretary-General to deploy the necessary media forces to ensure that the presidential statement of the Council was heard, and considered that the statement was an initial tool to facilitate the immediate cessation of violence and the start of political negotiations.³³

The representative of Nicaragua underscored the threat posed to the region by the possible flow of refugees from the conflict.³⁴

The President (China) made a statement on behalf of the Council,³⁵ by which the Council, *inter alia*:

Expressed deep concern in regard to the deterioration of the political, security and humanitarian environment in Haiti;

Supported the Caribbean Community and the Organization of American States as they continued to work towards a peaceful and constitutional solution to the current impasse;

²³ *Ibid.*, p. 19.

²⁴ *Ibid.*, p. 15 (France); and p. 16 (Romania).

²⁵ *Ibid.*, p. 17 (Brazil); and pp. 22-23 (Venezuela).

²⁶ *Ibid.*, pp. 27-28.

²⁷ *Ibid.*, p. 19.

²⁸ *Ibid.*, p. 14.

²⁹ *Ibid.*, p. 18.

³⁰ *Ibid.*, p. 19.

³¹ *Ibid.*, p. 25.

³² *Ibid.*, p. 25.

³³ *Ibid.*, p. 26.

³⁴ *Ibid.*, p. 27.

³⁵ S/PRST/2004/4.

Called upon the parties to act responsibly by choosing negotiation instead of confrontation;

Acknowledged the call for international involvement in Haiti;

Would consider urgently options for international engagement, including that of an international force in support of a political settlement in accordance with the Charter of the United Nations;

Called upon all sides in Haiti's conflict to facilitate the distribution of food and medicine and ensure the protection of civilians;

Called upon the Government and all other parties to respect human rights and to cease the use of violence to advance political goals;

Supported the Secretary-General's decision to name a Special Adviser for Haiti.

**Decision of 29 February 2004 (4919th meeting):
resolution 1529 (2004)**

At the 4919th meeting, on 29 February 2004, the President drew the attention of the Council to a letter dated 29 February 2004,³⁶ from the representative of Haiti addressed to the President of the Council. In that letter, the President of Haiti called on Governments of friendly countries to support with all urgency the peaceful and constitutional process that had begun in Haiti and, to that end, authorized security forces to enter and operate in Haiti to conduct activities designed to bring about a climate of security and stability, which would support the political process under way, facilitate humanitarian assistance, and in general help the people of Haiti.

The Council extended an invitation to the representative of Haiti to participate in the discussion.³⁷ The President (China) then drew the attention of the Council to a draft resolution;³⁸ it was put to the vote and adopted unanimously and without debate as resolution 1529 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Called upon Member States to support the constitutional succession and political process then under way in Haiti and the promotion of a peaceful and lasting solution to the current crisis;

Authorized the immediate deployment of a Multinational Interim Force for a period of not more than three months;

Requested the Secretary-General to elaborate a programme of action for the United Nations to assist the constitutional political process and support humanitarian and economic assistance and promote the protection of human rights and the development of the rule of law;

Authorized the Member States participating in the Multinational Interim Force to take all necessary measures to fulfil its mandate;

Requested the leadership of the Multinational Interim Force to report periodically to the Council, through the Secretary-General, on the implementation of its mandate;

Called upon the international community, in particular the United Nations, the Organization of American States and the Caribbean Community, to work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions and to assist in the development of a strategy to promote social and economic development and to combat poverty.

**Decision of 30 April 2004 (4961st meeting):
resolution 1542 (2004)**

On 16 April 2004, the Secretary-General submitted to the Council a report on Haiti.³⁹ In his report, the Secretary-General recalled the resignation of President Aristide in February 2004 following contested elections in 2000, mediation between the political opposition and the Government by CARICOM and the OAS and the outbreak of armed conflict in February 2004. He noted the creation of a Transitional Government led by a Prime Minister and also noted the signature of the Consensus on the Political Transition Pact on 4 April 2004. Through the Pact, signatories agreed on the holding of municipal, parliamentary and presidential elections in 2005 and on discussions with the United Nations on the status of the Multilateral Interim Force and the follow-on peacekeeping operation. Fanmi Lavalas, the party of former President Aristide, had denounced the Pact. The Secretary-General stressed the need for a process of nationwide reconciliation, embracing all segments of society accompanied by a genuine effort to put an end to the prevailing climate of impunity and enforce individual accountability, and for a better involvement of the Haitian people in the development of policies. He also highlighted the suggestion from the Transitional Government that the international community should supervise rather than observe the elections.

³⁶ S/2004/163.

³⁷ The Secretary-General was present at the meeting but did not make a statement.

³⁸ S/2004/164.

³⁹ S/2004/300, submitted pursuant to resolution 1529 (2004).

With regard to the security situation, the Secretary-General reported that while the situation had calmed down with the deployment of the Multinational Interim Force, and Haiti seemed to have overcome the worst of the crisis, the restricted resources and geographic areas of operation of the Multinational Interim Force, as well as limited disarmament activities, had constrained its ability to address aspects of the insecurity. He reported that the situation on the ground remained complex with a variety of armed groups, local security arrangements and local gangs coexisting. In that regard, he observed that a comprehensive approach would be required for the disarmament, demobilization and reintegration of armed groups and for a successful restoration of the rule of law and public security.

The Secretary-General also expressed concern at the numerous human rights violations in Haiti and proposed that the international community support efforts made by the Transitional Government to re-establish the rule of law and promote a culture of individual accountability for human rights abuses, including sexual violence against women and gender issues. He also reported that Haiti was still facing an immediate emergency humanitarian situation and called upon donors and international financial institutions to support the efforts of the United Nations to address the urgent needs of the population.

In accordance with the request of the Council, he recommended the establishment of a multidimensional stabilization operation consisting of up to 6,700 troops and 1,622 civilian police as well as civilian staff for an initial period of 24 months. He recommended that the mandate of the operation should, *inter alia*, support the constitutional and political process under way in Haiti, ensure a secure and stable environment, assist in maintaining public safety and public order, support the police and judicial system, support the Transitional Government in extending State authority throughout Haiti, provide support for a broad-based national dialogue, facilitate the provision of humanitarian assistance, assist with the restoration of basic public services and support employment-generating activities as well as monitor the human rights situation and strength capacity for the protection of human rights to ensure individual accountability for human rights abuses. The Secretary-General welcomed the participation of regional organizations, in particular OAS and CARICOM, and of the agencies, funds and

programmes of the United Nations system within the Mission.

At its 4961st meeting, on 30 April 2004, the Council included in its agenda the above-mentioned report of the Secretary-General.⁴⁰ At the meeting, in which the representative of Haiti was invited to participate, the President (Germany) drew the attention of the Council to a draft resolution.⁴¹ It was then put to the vote and adopted unanimously and without debate as resolution 1542 (2004), by which the Council, noting the existence of challenges to the political, social and economic stability of Haiti and determining that the situation in Haiti continued to constitute a threat to international peace and security in the region, *inter alia*:

Decided to establish the United Nations Stabilization Mission in Haiti (MINUSTAH), the stabilization force called for in resolution 1529 (2004), for an initial period of six months, with the intention to renew for further periods; and requested that authority be transferred from the Multinational Interim Force in Haiti to MINUSTAH on 1 June 2004;

Authorized remaining elements of the Multinational Interim Force to continue carrying out its mandate under resolution 1529 (2004) within the means available for a transition period not exceeding thirty days from 1 June 2004, as required and requested by MINUSTAH;

Requested the Secretary-General to appoint a Special Representative for Haiti, who would have overall authority on the ground for the coordination and conduct of all the activities of the United Nations agencies, funds and programmes in Haiti;

Decided that MINUSTAH would consist of a civilian and a military component, in accordance with the report of the Secretary-General on Haiti, the civilian component to include a maximum of 1,622 civilian police, including advisers and formed units, and the military component to include up to 6,700 troops of all ranks, and requested further that the military component report directly to the Special Representative through the Force Commander;

And, acting under Chapter VII of the Charter of the United Nations:

Decided that MINUSTAH should have the following mandate: to ensure a secure and stable environment; to support the political process; and to promote and protect human rights; and decided further that MINUSTAH should coordinate and cooperate with the Transitional Government as well as with their international partners;

Urged all the above-mentioned stakeholders, in particular the United Nations organs, bodies and agencies, to assist the

⁴⁰ S/2004/300.

⁴¹ S/2004/334.

Transitional Government of Haiti in the design of a long-term development strategy.

Decision of 10 September 2004 (5030th meeting): statement by the President

At its 5030th meeting, on 10 September 2004, the Council included in its agenda the report of the Secretary-General on Haiti.⁴² In his report, the Secretary-General reported on the formal takeover of authority by MINUSTAH from the Multilateral Interim Force on 1 June 2004. He noted that since then the security situation had improved gradually, but regretted that illegitimate armed groups had continued to exercise official security and administrative functions. He also noted that continued problems in the law enforcement structures contributed to the precariousness of the human rights situation. He underscored the challenges of assisting the Transitional Government with the comprehensive and sustainable disarmament, demobilization and reintegration of all armed groups. He further noted that MINUSTAH would require a number of experts to support Haitian judicial and governmental authorities. On the political situation, he noted that tensions continued between Fanmi Lavalas and the Transitional Government. He pointed out problems and delays in the elections process and reported that a mission to assess the electoral needs and determine the modalities for the assistance of the international community had been sent to Haiti from 8 to 17 June 2004. He welcomed the close cooperation between MINUSTAH and the regional partners of Haiti in the area of electoral support and assistance to the Haitian National Police. He further observed that efforts to ensure a stable environment, support the political process and assist in the upcoming elections must be accompanied by sustainable economic development and income-generating activities.

At the meeting, the Council extended an invitation to the representative of Haiti to participate in the discussion. The President (Spain) then made a statement on behalf of the Council,⁴³ by which, the Council, *inter alia*:

Condemned attempts by some illegal armed groups to perform unauthorized law enforcement functions in some Haitian cities;

Underscored the need for the Transitional Government to extend its control and authority throughout the country;

Stressed the urgency of disbanding and disarming all illegal armed groups;

Called upon the Transitional Government to complete without delay the establishment of the required structures and the adoption of the required legal framework for the implementation of a national disarmament, demobilization and reintegration programme;

Underlined the fact that only a comprehensive and inclusive dialogue in Haiti could lay down the foundations of a peaceful and democratic political environment;

Reiterated that an end to impunity was key to national reconciliation in Haiti;

Reiterated its support for the establishment of a core group to maintain the mobilization of the international community, to increase the consultation among major stakeholders, to enhance the coordination and effectiveness of the assistance for Haiti, and to contribute to the definition of a long-term development strategy aimed at the promotion of lasting peace and stability in that country.

Decision of 29 November 2004 (5090th meeting): resolution 1576 (2004)

At its 5090th meeting, on 29 November 2004, the Council included in its agenda the report of the Secretary-General on MINUSTAH.⁴⁴ In his report, the Secretary-General observed that the security situation in Haiti had deteriorated, and gave his support to the Transitional Government's efforts to put an end to the violence perpetrated by various armed groups. He noted that the restoration of law and order throughout the country needed to be achieved with regard for basic human rights and the rule of law. He condemned the surge of violence and incidents during demonstrations organized by supporters of former President Aristide, and reported that increased security threats had made it necessary for the MINUSTAH civilian police component to focus mainly on providing operational support to the Haitian National Police. He reported on the humanitarian emergency in Haiti after several natural disasters, and underlined the efforts of MINUSTAH in that area. He welcomed the sustained commitment of the Transitional Government to holding free, fair and credible local, legislative and presidential elections in 2005. He recommended that the Council extend the mandate of MINUSTAH for a further period

⁴² S/2004/698, submitted pursuant to resolution 1542 (2004).

⁴³ S/PRST/2000/32.

⁴⁴ S/2004/908, submitted pursuant to resolution 1542 (2004).

of 18 months, until 31 May 2006. While a major review of the structure and concept of operations of the Mission was found not feasible at the time, the Secretary-General suggested the following modifications within the general structure of MINUSTAH: to deploy, for an interim period, an additional formed police unit of 125 officers within the present authorized strength of the Mission, to provide enhanced operational support to the Haitian National Police and to strengthen security arrangements in the capital to increase the ability of MINUSTAH to undertake short-term projects that could make an immediate tangible difference in the lives of people; to augment the capacity of MINUSTAH to implement disarmament, demobilization and reintegration projects in the community; to add one engineering company to the military component of MINUSTAH, within the authorized strength of the Mission; and to modestly strengthen the humanitarian and development coordination pillar of MINUSTAH.

The Council extended an invitation to the representative of Haiti to participate in the discussion. Statements were made by the representatives of Brazil, Chile and Spain. The President (United States) then drew the attention of the Council to a draft resolution.⁴⁵

Speaking before the vote, the representative of Brazil, while welcoming the draft resolution concerning the renewal of the mandate of MINUSTAH, also expressed his belief that, in the future, the mandate for MINUSTAH would need to be more specific and concrete than the one endorsed in resolution 1542 (2004). Warning that the absence of measures to achieve prompt improvement in the living conditions of the Haitian people, including those aimed at job creation, would lead to growing difficulties for the maintenance of public order in the country, he held that more precise language could have been included, for example in operative paragraph 2 of the resolution,⁴⁶ concerning the political reconciliation process; in operative paragraph 4,⁴⁷ regarding economic development measures; and in the corresponding second, third and

fourth preambular paragraphs.⁴⁸ He also held that the Council should issue stronger messages concerning the international community's long-term commitment to Haiti, including through the adoption of a broader multidisciplinary mandate for MINUSTAH, and he expressed his trust that the intention to renew the mandate for further periods would be confirmed.⁴⁹

The draft resolution was subsequently put to the vote and adopted unanimously as resolution 1576 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MINUSTAH, as contained in resolution 1542 (2004), until 1 June 2005, with the intention to renew it for further periods;

Encouraged the Transitional Government to continue to explore actively all possible ways to include in the democratic and electoral process those who currently remain outside the transition process but have rejected violence;

Welcomed the report of the Secretary-General of 18 November 2004 on the Mission, and endorsed the Secretary-General's recommendations as outlined in paragraphs 52 to 57 thereof;

Requested the Secretary-General to provide a report to the Council at least every three months on the implementation by MINUSTAH of its mandate.

Speaking after the vote, the representatives of Chile and Spain expressed their regret at the fact that the mandate of MINUSTAH had been renewed for only six months, instead of the 18-month period proposed by the Secretary-General. They expressed their convictions that only a comprehensive, multi-dimensional and long-term mission would be successful in Haiti.⁵⁰

⁴⁵ S/2004/923.

⁴⁶ Paragraph 2 reads: "Encourages the Transitional Government to continue to explore actively all possible ways to include in the democratic and electoral process those who currently remain outside the transition process but have rejected violence".

⁴⁷ Paragraph 4 reads: "Urges relevant international financial institutions and donor countries to disburse promptly the funds pledged at the International Donors Conference on Haiti held in Washington, D.C., on 19 and 20 July 2004".

⁴⁸ The third preambular paragraph reads: "Underlining the fact that political reconciliation and economic reconstruction efforts remain key to the stability and security of Haiti, and, in that regard, stressing that all Member States, especially those in the region, should continue to support the Transitional Government in those efforts"; and the fourth preambular paragraph reads: "Urging the Transitional Government to continue to make progress in the implementation of the Interim Cooperation Framework, including by developing concrete projects for economic development, in close cooperation with, and with the full assistance of, the international community, in particular the United Nations and international financial institutions".

⁴⁹ S/PV.5090, pp. 2-3.

⁵⁰ *Ibid.*, p. 3 (Chile); and pp. 3-4 (Spain).

**Decision of 12 January 2005 (5110th meeting):
statement by the President**

At its 5110th meeting, on 12 January 2005, the Council heard a briefing by the Special Representative of the Secretary-General and Head of MINUSTAH, following which all members of the Council made statements, as well as the representatives of Barbados,⁵¹ Bolivia, Canada, Chile, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Luxembourg (on behalf of the European Union),⁵² Mexico, Morocco, Norway, Paraguay, Peru and Uruguay; and the Acting Secretary General of the Organization of American States and the Executive Director of the United Nations Children's Fund (UNESCO).⁵³

In his briefing, the Special Representative highlighted the decrease in the level of violence and insecurity, and reported that MINUSTAH had almost reached full strength and was thus more able to deal with situations that might jeopardize security. He underscored that the security concept guiding MINUSTAH included, on the one hand, the legitimate use of force when necessary or indispensable and, on the other hand, a focus on the most urgent problems that affected the more vulnerable people of Haiti. He noted the success of Operation Liberty in Cité Soleil, through which MINUSTAH and the Haitian National Police had succeeded in restoring order and security, and reported that several other attempts by armed groups to destabilize the country were foiled by a prompt and robust response by MINUSTAH. He also reported that MINUSTAH had started to plan and organize a disarmament, demobilization and reintegration programme but emphasized that the security and political conditions were not yet favourable to the programme's full implementation. He noted that the Mission was closely following the policy of the

Transitional Government to grant compensation and severance pay to former members of the armed forces, but held that after the prompt payment of the first part of the promised amount, any further monetary payment must be conditioned on the surrender of military weapons to the Transitional Government. In addition, he stressed the fact that infrastructure work done by MINUSTAH troops around the capital had helped to establish good relations with the population. He reported that the basic technical elements and funding for proceeding with the electoral timetable for 2005 were in place, while progress needed to be made with regard to including those who currently remained outside the transition process. He welcomed the national dialogue promised by the provisional President of Haiti and emphasized that all sectors of society and all political forces of Haiti without exclusion should take part in that process and shoulder their respective historic responsibilities. He noted with concern the human rights violations and crimes committed with an apparent link to the Haitian National Police.⁵⁴

The representative of Haiti recalled the recommendation of the Secretary-General in his report of 18 November 2004⁵⁵ that the international community make a long-term commitment to Haiti. He regretted the deterioration of the security situation, and held that it had been complicated by the personnel shortage of the Haitian National Police and the delayed deployment of MINUSTAH troops. Pointing to joint efforts of the National Police and MINUSTAH, however, he detected a clear improvement in recent weeks. He hoped that the Government would soon be able to provide all former military personnel with the full amount of money due to them. He held that the current human rights situation represented a wide-ranging legacy of dictatorship and welcomed the recent release of a number of detainees who had been held without charges. He stressed that the interrelated issues of dire poverty, unemployment and illiteracy contributed to the unstable situation and regretted that the lack of resources to fund development activities increasingly compromised the efforts of the international community and the Government to protect human rights and democracy.⁵⁶

In their statements, most speakers welcomed the positive developments on the ground but noted that further action was required to halt the violence and

⁵¹ At the meeting, Barbados was represented by the Senior Minister and Minister for Foreign Affairs and Foreign Trade.

⁵² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁵³ At the meeting, Brazil, Chile, the Dominican Republic and Haiti were represented by their respective Ministers for Foreign Affairs; France was represented by the State Secretary for Foreign Affairs; and the United States was represented by the Assistant Secretary of State for Western Hemisphere Affairs.

⁵⁴ S/PV.5110, pp. 2-6.

⁵⁵ S/2004/908.

⁵⁶ S/PV.5110, pp. 6-7; S/PV.5110 (Resumption 1), p. 25.

improve the situation in Haiti with regard to security, poverty and human rights. Most speakers emphasized the need for the disarmament of armed groups, the reform of the Haitian National Police and the establishment by the Transitional Government of a commission for disarmament. The representative of France supported the full use of the possibilities of the mandate of MINUSTAH to re-establish order and security.⁵⁷ The representative of Greece utterly condemned all attacks on MINUSTAH and other international personnel.⁵⁸ The representatives of Chile, the United Kingdom and Algeria underscored the challenge of the reintegration of armed forces into society.⁵⁹ The representative of Algeria called on the Transitional Government to consider the question of compensation for former member of the armed forces to facilitate their reintegration into society.⁶⁰

Many speakers underscored the importance of the political process, a genuine national reconciliation and the holding of the forthcoming local, legislative and presidential elections. Many speakers also expressed concern about the human rights situation in Haiti. Several speakers underlined the necessity of establishing an effective and respected Haitian National Police force. In that regard, the representative of the United Kingdom stressed that no human rights violators should have a place in the future Government of Haiti.⁶¹ The representative of Canada underscored that the reinsertion of any member of the armed forces into the Haitian National Police should involve strict and comprehensive screening and training procedures.⁶² The representatives of Chile, Barbados, Romania and Luxembourg underscored the need for a reform of the judiciary.⁶³ The representatives of Japan, the United Republic of Tanzania, the Philippines and Uruguay condemned arbitrary detentions for political reasons.⁶⁴

⁵⁷ S/PV.5110, p. 11 (France).

⁵⁸ *Ibid.*, p. 22.

⁵⁹ *Ibid.*, p. 13 (Chile); p. 19 (United Kingdom); and p. 27 (Algeria).

⁶⁰ *Ibid.*, p. 27.

⁶¹ *Ibid.*, p. 19.

⁶² S/PV.5110 (Resumption 1), p. 15.

⁶³ S/PV.5110, p. 14 (Chile); p. 16 (Barbados); and p. 20 (Romania); S/PV.5110 (Resumption 1), p. 9 (Luxembourg, on behalf of the European Union).

⁶⁴ S/PV.5110, p. 23 (Japan); p. 24 (United Republic of Tanzania); and p. 26 (Philippines); S/PV.5110 (Resumption 1), p. 19 (Uruguay).

Most speakers also emphasized the importance of economic rehabilitation. Many speakers underscored the need for rapid disbursement of the donor funds for rehabilitation and development efforts.⁶⁵ Some speakers encouraged the establishment of quick impact projects that would have an immediate effect on the population.⁶⁶ The representative of Brazil referred to the situation in Haiti as a “genuine social and economic tsunami”.⁶⁷ The representative of Cuba underscored that development and progress rather than security were the key to peace and stability in Haiti.⁶⁸

Most speakers underscored the need for a long-term, multidimensional and comprehensive commitment in Haiti. The representatives of the United Republic of Tanzania, Morocco and El Salvador emphasized the importance of comprehensive peacebuilding in Haiti.⁶⁹ The representative of the United Republic of Tanzania also supported the proposed mission of the Council to Haiti.⁷⁰ In addition, the representatives of Brazil, Guatemala and Uruguay supported further cooperation between the Security Council and the Economic and Social Council under Article 65 of the Charter.⁷¹ Some speakers saw Haiti as an example for future operations and recalled the conclusions of the High-Level Panel on Threats, Challenges and Change⁷² initiated by the Secretary-General.⁷³

Many speakers welcomed the efforts of regional organizations and underscored the impact of the Haitian conflict on the region.⁷⁴ The representative of

⁶⁵ S/PV.5110, p. 9 (Brazil); p. 15 (Dominican Republic); p. 22 (Greece); and p. 24 (United Republic of Tanzania); S/PV.5110 (Resumption 1), p. 3 (Russian Federation); p. 8 (Peru); p. 13 (Ecuador); p. 14 (Paraguay); and p. 23 (El Salvador).

⁶⁶ S/PV.5110, p. 14 (Chile); and p. 21 (Romania); S/PV.5110 (Resumption 1), p. 9 (Luxembourg, on behalf of the European Union); and p. 19 (Uruguay).

⁶⁷ S/PV.5110, p. 9.

⁶⁸ S/PV.5110 (Resumption 1), p. 18.

⁶⁹ S/PV.5110, p. 25 (United Republic of Tanzania); S/PV.5110 (Resumption 1), p. 17 (Morocco); and p. 23 (El Salvador).

⁷⁰ S/PV.5110, p. 25.

⁷¹ *Ibid.*, p. 9 (Brazil); S/PV.5110 (Resumption 1), p. 10 (Guatemala); and p. 20 (Uruguay).

⁷² A/59/565 and Corr.1.

⁷³ S/PV.5110, p. 19 (United Kingdom; Romania); and p. 23 (Japan).

⁷⁴ *Ibid.*, p. 10 (Brazil; France); and p. 16 (Barbados); S/PV.5110 (Resumption 1), p. 7 (Peru); p. 12 (Mexico); and p. 22 (El Salvador).

Barbados underscored the regional threat that illegal immigration, drugs and arms trafficking from Haiti represented.⁷⁵ The acting Secretary General of the Organization of American States drew attention to the mandate granted to OAS by its own General Assembly, which referred to support for the elections, for the institutional strengthening of the Haitian State and for the defence of human rights, all in cooperation with MINUSTAH and the United Nations as a whole. He also informed Council members of the signing of a memorandum of understanding between the United Nations and OAS, which gave OAS the lead in the voter registration process.⁷⁶ The representative of Bolivia noted with satisfaction that the provisions of Chapter VIII of the Charter had been implemented in a positive manner through the signature of the memorandum of understanding.⁷⁷

In addition, the representative of China held that although there were no diplomatic relations between China and Haiti, the Chinese people had always had friendly feelings towards the Haitian people. He welcomed achievements in the security situation and in the areas of disarmament, the restoration of the rule of law and the promotion of national reconciliation. He nevertheless emphasized that peace, stability and development in Haiti would not be possible without the vigorous support and assistance of the international community. China would continue to provide assistance in good faith to the peace and stability process in Haiti.⁷⁸

The Executive Director of the United Nations Children's Fund drew the attention of the Council to the dire situation of children in Haiti, and held that investment in children was the best foundation to build a strong and peaceful nation. She especially emphasized the plight of children in slum areas such as Cité Soleil, and appealed to MINUSTAH to secure those areas to allow relief and development agencies to work unhindered.⁷⁹

The President (Argentina) made a statement on behalf of the Council,⁸⁰ by which, the Council, inter alia:

⁷⁵ S/PV.5110, p. 17.

⁷⁶ *Ibid.*, p. 12.

⁷⁷ S/PV.5110 (Resumption 1), p. 20.

⁷⁸ S/PV.5110, p. 25.

⁷⁹ S/PV.5110 (Resumption 1), pp. 2-3.

⁸⁰ S/PRST/2005/1.

Reaffirmed the comprehensive mandate of MINUSTAH, and expressed its support for the United Nations presence in Haiti as long as necessary;

Underlined the fact that national reconciliation, security and economic development remained key to stability in Haiti;

Called on all parties in Haiti to respect human rights and to renounce the use of violence to advance their goals;

Encouraged the Transitional Government to create without delay the national commission on disarmament, demobilization, and reintegration;

Renewed its appeal for the prompt disbursement of the funds pledged by international financial institutions and donor countries at the International Donors Conference on Haiti held in July 2004, and reiterated the need to assist the Transitional Government in establishing a long-term development strategy for Haiti, in accordance with the priorities set forth in the Interim Cooperation Framework;

Encouraged the Transitional Government to continue to take steps towards a comprehensive and inclusive national dialogue and reconciliation process, and called upon all political actors in Haiti to renounce violence and join this dialogue without delay;

Called upon the Transitional Government, with the assistance of MINUSTAH and the Organization of American States, urgently to take the necessary measures to ensure the holding of free and fair elections in 2005 and the subsequent transfer of power to elected authorities;

Expressed its intention to organize a mission to Haiti before 1 June 2005, possibly in conjunction with a mission of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council;

Expressed its full support for the Special Representative of the Secretary-General for Haiti, and commended the work done by MINUSTAH and all of its personnel.

**Decision of 31 May 2005 (5192nd meeting):
resolution 1601 (2005)**

At its 5192nd meeting, on 31 May 2005, the Council included in its agenda the report of the Secretary-General dated 13 May 2005 on MINUSTAH.⁸¹ In his report, the Secretary-General reported that MINUSTAH had made progress towards creating an environment in which the political transition could unfold, but warned that this progress remained fragile. He noted the signs of improvement in the security situation following successful operations by MINUSTAH and the Haitian National Police, and

⁸¹ S/2005/313, submitted pursuant to resolution 1529 (2004).

welcomed the launching of the electoral process and national dialogue. However, he observed that unless real progress could be achieved in the disarmament, demobilization and reintegration programme, the security situation would remain uncertain. He also observed that the inclusiveness of the electoral process, as well as its transparency, credibility and legitimacy, remained uncertain. He remained deeply concerned about the humanitarian and human rights situations and the impunity enjoyed by those committing the violations. He further recommended that the Council adopt adjustments to the mandate of MINUSTAH, including increases in its authorized strength, and requested that the Mission be extended for a further period of 12 months, until after the electoral process and the establishment of a newly elected Government of Haiti. He reported that, according to various evaluation missions, MINUSTAH was taking practical steps to improve the implementation of its mandate.

The Council extended an invitation to the representative of Haiti to participate in the discussion. The President (Denmark) then drew the attention of the Council to a draft resolution;⁸² it was put to the vote and adopted unanimously and without debate as resolution 1601 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia, decided to extend the mandate of MINUSTAH, as contained in resolution 1542 (2004), until 24 June 2005, with the intention to renew for further periods.

**Decision of 22 June 2005 (5210th meeting):
resolution 1608 (2005)**

At its 5210th meeting,⁸³ on 22 June 2005, the Council again included in its agenda the report of the Secretary-General dated 13 May 2005.⁸⁴ The representative of Haiti was invited to participate in the discussion. The President (France) drew the attention of the Council to a draft resolution;⁸⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1608 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

⁸² S/2005/354.

⁸³ At the 5196th meeting of the Council, held in private on 7 June 2005, the members of the Council and the Interim Prime Minister of Haiti had a constructive discussion.

⁸⁴ S/2005/313.

⁸⁵ S/2005/402.

Decided to extend the mandate of MINUSTAH, as contained in resolution 1542 (2004), until 15 February 2006, with the intention to renew for further periods;

Welcomed the report of the Secretary-General of 13 May 2005 on MINUSTAH, and supported the recommendations of the Secretary-General as outlined in paragraphs 44 to 52 thereof, as follows:

(a) A temporary increase, during the electoral period and subsequent political transition, of 750 personnel to the currently authorized military strength of MINUSTAH in order to create a rapid reaction force in Haiti to provide increased security, in particular in and around Port-au-Prince;

(b) An increase of 50 military personnel in order to create a sector headquarters in Port-au-Prince, with the understanding that MINUSTAH would optimize at all levels the coordination between military and police components to ensure efficient and better-integrated operations, including by posting United Nations staff civilian police officers in this headquarters;

(c) A temporary increase, during the electoral period and subsequent political transition, of 275 personnel to the current strength of the civilian police component of MINUSTAH to provide increased security;

(d) An assessment of the Haitian judiciary and correctional systems, including to explore possibilities for greater international community support, and a more active role of MINUSTAH, to be submitted to the Council as soon as possible;

Urged MINUSTAH to urgently develop and implement a proactive communications and public relations strategy, in order to improve the Haitian population's understanding of the mandate of MINUSTAH and its role in Haiti.

**Decision of 18 October 2005 (5285th meeting):
statement by the President**

At its 5284th meeting, on 18 October 2005, the Council included in its agenda the report of the Secretary-General dated 6 October 2005 on MINUSTAH.⁸⁶ In his report, the Secretary-General observed that Haiti was at a critical juncture. He welcomed the progress in the electoral process through the registration of a significant number of voters and the participation of candidates representing a broad range of political opinions, but observed that preparations continued at a slower pace than anticipated and that political dialogue remained at a nascent level. In that regard, he called on the Transitional Government to ensure that the elections be inclusive and participatory in order to enhance their

⁸⁶ S/2005/631, submitted pursuant to resolution 1542 (2004).

credibility. He pointed to the remaining technical issues in the electoral process, the possibility of increased violence during the campaign period and persisting impunity and disregard for human rights. He reported that MINUSTAH was working to develop local capacities, including by training and advising local human rights organizations, while continuing to monitor human rights on the ground. He reiterated the importance of sustained international support through MINUSTAH and through complementary and coordinated assistance. In that regard, he welcomed the commitment shown by the members of the Core Group on Haiti. He also urged the full disbursement of funds pledged by bilateral donors. On security, he welcomed progress in addressing urgent security threats but underscored the need to maintain pressure on illegal armed groups and expand disarmament, demobilization and reintegration activities, and proposed that security operations be accompanied by humanitarian and development assistance, especially after the natural disasters that had hit Haiti. He observed that reassurance could be provided if one or more Member States indicated their readiness to back up the capabilities of MINUSTAH through the deployment of an offshore presence during the electoral period. He further recommended that the reform of the police be carried out in parallel with the improvement of the functioning of the judicial and penal systems in Haiti.

The Council heard a statement by the Prime Minister of Haiti, in which he reaffirmed the commitment of the Transitional Government to ensure that the elections and the transfer of power to the new Government would take place smoothly on 7 February 2006. He pointed out the improvements made in the national dialogue between political parties and reported that a new Director General of the Provisional Electoral Council had been installed in order to improve its efficiency in preparing the electoral process. In the area of security, he welcomed the promises and recommendations for better cooperation and coordination between MINUSTAH and the National Police and held that security was no longer such a serious problem in Haiti as it had been. He underscored however, that disarmament remained a major issue and stressed that the solutions achieved by some countries in that area could not always be applied wholesale in another. In regard to human rights, he assured the Council that, if there was any semblance of human rights violations, it was not deliberate. In respect of the judicial system, he welcomed the commitment of some

countries to help with reform. He also called on the international community to speed up the bureaucracy in order to implement infrastructure projects that had been agreed upon. He alerted the Council to the need to consider that Haiti would need the continuation of MINUSTAH even after the arrival of the newly elected Government.⁸⁷

At its 5285th meeting, the Council again included in its agenda the report of the Secretary-General dated 6 October 2005.⁸⁸ The President (Romania) made a statement on behalf of the Council,⁸⁹ by which the Council, *inter alia*:

Expressed its full support for the work of MINUSTAH and the Special Representative of the Secretary-General for Haiti, Mr. Juan Gabriel Valdés;

Conveyed its concern regarding the risk of delays in the electoral process, and underlined international expectations that the first round of national elections should take place in 2005;

Strongly supported the mission's endeavours to ensure a secure and stable environment in Haiti, which was crucial for the country's progress, and to enable the electoral process to take place; recognized the contribution of MINUSTAH to the restoration and maintenance of the rule of law in the country, and underlined the need for strong and coordinated assistance to enable the reform and restructuring of Haiti's rule of law institutions;

Reiterated the need for the Transitional Government and MINUSTAH to begin immediately effective implementation of a disarmament, demobilization and reintegration programme.

**Decision of 6 January 2006 (5343rd meeting):
statement by the President**

At its 5343rd meeting, on 6 January 2006, the Council extended an invitation to the representative of Haiti to participate in the discussion. The President (United Republic of Tanzania) then made a statement on behalf of the Council,⁹⁰ by which the Council, *inter alia*:

Reiterated its full support for the work of MINUSTAH and the Special Representative of the Secretary-General for Haiti;

Reiterated that the future holding of elections was a fundamental step towards the restoration of democracy, and took note with concern of the new postponement of the elections;

⁸⁷ S/PV.5284, pp. 2-5.

⁸⁸ S/2005/631.

⁸⁹ S/PRST/2005/50.

⁹⁰ S/PRST/2006/1.

Urged the Transitional Government of Haiti and the Provisional Electoral Council to expeditiously announce new and definitive dates for the elections;

Expressed its concern over the deterioration of security conditions and urged the Haitian National Police and MINUSTAH to further intensify their cooperation to restore and maintain the rule of law;

Reaffirmed that short-, medium-, and long-term strategies, within a unified framework, were needed to ensure coordination and continuity in the international assistance to Haiti.

**Decision of 9 February 2006 (5368th meeting):
statement by the President**

At its 5368th meeting, on 9 February 2006, the Council included in its agenda the report of the Secretary-General dated 2 February 2006 on MINUSTAH.⁹¹ In his report, the Secretary-General observed that significant progress had been made in laying the basis for an inclusive democratic transition. He underlined the fact that the electoral process would bring particular demands in the coming months and called on the Haitian authorities to complete the remaining practical preparations to support free, fair and transparent elections, especially after the first round of elections had been postponed by the Transitional Government. He stressed that the incoming leadership in Haiti would have to show strong commitment to reconciliation and an inclusive approach, and that continued international institution- and capacity-building at all levels would be required. He welcomed, however, the broad level of political engagement generated by the electoral process. In regard to security, he reported that, apart from Cité Soleil, where peacekeepers were the targets of attacks, most areas of the country had experienced a relatively high level of security during the period. He reported that MINUSTAH had continued to play a pivotal role in providing security and stability in the country, as well as developmental and humanitarian efforts, and observed that the configuration of troops, formed police units and individual police officers appeared adequate to maintain security at this point in time but that stability could be enhanced if one or more Member States indicated their readiness to back up the capabilities of MINUSTAH during the electoral period. He emphasized that in the longer term, the security of Haiti would require reform

and strengthening of the Haitian National Police and the judicial system. In regard to disarmament, demobilization and reintegration, he reported that the conditions for comprehensive disarmament remained elusive and proposed that reintegration of members of armed groups could be promoted by the development of alternatives to processing through the justice system, including national reconciliation mechanisms, such as limited forms of amnesty. He reported that their respect for human rights still fell short of acceptable standards. In respect of the humanitarian situation, he observed that humanitarian and development needs must be effectively addressed to achieve and consolidate lasting stability. The Secretary-General recommended that the Mission continue in its present configuration for a further period of six months, with recommendations regarding its role in a post-electoral environment to be developed and presented to the Council in a further report.

The Council extended an invitation to the representative of Haiti to participate in the discussion. The President (United States) then made a statement on behalf of the Council,⁹² by which the Council, *inter alia*:

Commended the Haitian people on the holding of the first round of national elections on 7 February 2006 with high voter turnout; and called on all parties to respect the outcome of the elections, remain engaged in the political process and renounce all forms of violence;

Underlined the fact that the electoral process should lead to the inauguration of a representative government; and emphasized that, once the new government took office, Haitians should continue to promote national reconciliation and political dialogue in order to strengthen their democracy, and to ensure social, economic and political stability;

While recognizing the importance of the elections for democratic institutions and procedures, stressed that they did not constitute the sole means to address Haiti's longer-term problems and that significant challenges remained, in particular, in the fields of rule of law, security and development.

**Decision of 14 February 2006 (5372nd meeting):
resolution 1658 (2006)**

At its 5372nd meeting, on 14 February 2006, the Council again included in its agenda the report of the Secretary-General dated 2 February 2006.⁹³

⁹¹ S/2006/60, submitted pursuant to resolution 1542 (2004).

⁹² S/PRST/2006/7.

⁹³ S/2006/60.

The Council extended an invitation to the representative of Haiti to participate in the discussion. The President (United States) then drew the attention of the Council to a draft resolution⁹⁴ and a revision to the text.⁹⁵ The draft resolution was put to the vote and adopted unanimously and without debate as resolution 1658 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MINUSTAH, as contained in resolutions 1542 (2004) and 1608 (2005), until 15 August 2006, with the intention to renew for further periods;

Requested the Secretary-General to report to the Council, as soon as possible after the conclusion of Haiti's electoral process and drawing, as appropriate, on consultations with the elected Government of Haiti, on whether to restructure the mandate of MINUSTAH after the new Government takes office, including recommendations for ways in which MINUSTAH could support reform and strengthening of key institutions.

**Decision of 27 March 2006 (5397th meeting):
statement by the President**

At the 5377th meeting, on 22 February 2006, the Interim Prime Minister of Haiti and the Special Representative of the Secretary-General for Haiti and Head of MINUSTAH were invited to participate in the discussion. In his statement, the Interim Prime Minister of Haiti emphasized that the Transitional Government had completed its mission to organize free, fair and inclusive elections. He pointed out that progress in security had allowed a large voter turnout, which also proved the confidence of Haitians in the democratic process. He explained that there had been dissatisfaction and suspicion of fraud following a delay in the announcement of the results of the election, but that the final results had been unambiguous. He announced that the transition was planned for 29 March 2006, after a second round of elections for parliament. He nevertheless stressed that elections were a first step rather than a solution to the country's situation and that democratic consolidation through international assistance as well as efforts to fight the root cause of instability were greatly needed. In relation to that, he underscored the importance of judicial reform and professionalization of the National Police, as well as of good economic governance and continued international assistance. Welcoming the extension of the mandate of MINUSTAH, he held that

⁹⁴ S/2006/97.

⁹⁵ See S/PV.5372, p. 2.

revisions to its mandate might be needed under the new Government and suggested that Haiti would need fewer military personnel, but many more engineers. He also invited the Council to visit Haiti to celebrate the victory of democracy.⁹⁶

At its 5397th meeting, on 27 March 2006, the Council heard statements by the Secretary-General, the President-elect of Haiti and the Special Representative of the Secretary-General for Haiti and Head of MINUSTAH, following which statements were made by all members of the Council,⁹⁷ as well as by the representatives of Austria (on behalf of the European Union and aligned countries), the Bahamas (on behalf of CARICOM), Brazil, Canada, Chile, Cuba, the Dominican Republic, El Salvador, Guatemala, Guyana (on behalf of the Rio Group), Mexico, South Africa, Spain, Venezuela (Bolivarian Republic of), the President of the Economic and Social Council, the Deputy Secretary-General of the Organization of American States and the Assistant Administrator and Director of the Regional Bureau for Latin America and the Caribbean of the United Nations Development Programme.

In his statement, the Secretary-General welcomed the peaceful holding of the first round of elections and the high voter turnout. He also welcomed the decision of the Council to extend the mandate of MINUSTAH for a further six months and held that it was necessary that a multidimensional peacekeeping operation continue.⁹⁸

The President-elect of Haiti called on the international community to renew its commitment to a long-term assistance programme for Haiti and outlined the relationship between peace, democracy and economic development.⁹⁹

The Special Representative stated that MINUSTAH had achieved its objective of restoring stability and support for the organization of free,

⁹⁶ S/PV.5377, pp. 2-5.

⁹⁷ At the meeting, Argentina was represented by the Minister for Foreign Affairs, International Trade and Worship; the Bahamas was represented by the Minister for Foreign Affairs and the Public Service; the Dominican Republic, Greece, Guatemala and Guyana were represented by their Ministers for Foreign Affairs; Chile and Peru were represented by their Deputy Ministers for Foreign Affairs; and Brazil was represented by the Under-Secretary-General for Political Affairs of the Ministry of Foreign Affairs.

⁹⁸ S/PV.5397, pp. 2-3.

⁹⁹ *Ibid.*, pp. 3-4.

transparent and legitimate elections. Nevertheless, he expressed his conviction that despite that achievement the mission had only begun and a new emphasis needed to be placed on strengthening State institutions and on launching a comprehensive and sustainable socioeconomic development process.¹⁰⁰

In their statements, most speakers welcomed the successful holding of the first round of elections and urged all parties to remain engaged in the political process and to accept the outcome of the vote. They observed that national reconciliation and political dialogue were crucial to remedy instabilities in the country. The representative of the Bahamas, on behalf of CARICOM, pointed out that organizational shortcomings witnessed during the first round of elections nevertheless had to be addressed.¹⁰¹

Most speakers also called on the international community to build a comprehensive, long-term approach to Haiti's problems, one that would address democracy, poverty and security issues in an inclusive manner. In that regard, the representative of Guyana, on behalf of the Rio Group, called for a broadening of the mandate of MINUSTAH to include a stronger humanitarian and development component in view of the post-electoral challenges.¹⁰² The representatives of China, Chile and Mexico proposed that Haiti should be considered by the newly established Peacebuilding Commission.¹⁰³ The President of the Economic and Social Council underscored the massive lack of international assistance and reasserted the need for full cooperation between the Economic and Social Council and the Security Council.¹⁰⁴

Many speakers also welcomed regional and bilateral cooperation achievements between Haiti and CARICOM and welcomed the normalization of relations between the two. The Assistant Administrator of the United Nations Development Programme highlighted the post-electoral stabilization strategy developed by the United Nations country team and MINUSTAH, aimed at developing a coherent package of high impact programmes, supporting key democratic institutions, enhancing political dialogue and social

cohesion and working towards a poverty-reduction strategy.¹⁰⁵

In addition, most speakers underscored the necessity of reforming the Haitian police and the judicial system.

The representative of China stated that although China did not have diplomatic relations with Haiti at the current time, the Chinese people had always had friendly ties with the Haitian people. He believed that the Security Council should continue to watch closely the situation in Haiti, and looked forward to the early submission by the Secretary-General, after consultations with Haitian leaders, of recommendations regarding the structure and mandate of MINUSTAH in the next stage. His Government also hoped that the political conditions necessary for MINUSTAH to stay on would continue to prevail.¹⁰⁶

The President (Argentina) made a statement on behalf of the Council,¹⁰⁷ by which the Council, *inter alia*:

Commended the Haitian people on the successful completion of the first round of their electoral process, and congratulated Mr. René García Prével on his election as President;

Welcomed the announcement that the second round of parliamentary elections would be held on 21 April 2006; and reiterated its call upon all parties to respect the outcome of the elections, remain engaged in the political process and promote national reconciliation;

Stressed the need to ensure a secure and stable environment in Haiti and expressed its support for the continued efforts of MINUSTAH in that respect;

Reaffirmed that the establishment of the rule of law, including institutional capacity-building and rapid progress on disarmament, demobilization and reintegration would be crucial to Haiti's future;

Called on donors and relevant stakeholders to work with the new Government through the Interim Cooperation Framework to reassess assistance priorities in a targeted way.

¹⁰⁵ S/PV.5397 (Resumption 1), pp. 3-4.

¹⁰⁶ S/PV.5397, pp. 11-12.

¹⁰⁷ S/PRST/2006/13.

¹⁰⁰ *Ibid.*, pp. 4-6.

¹⁰¹ *Ibid.*, p. 12.

¹⁰² *Ibid.*, p. 9.

¹⁰³ *Ibid.*, p. 11 (China); and p. 18 (Chile); S/PV.5397 (Resumption 1), p. 11 (Mexico).

¹⁰⁴ S/PV.5397, p. 29.

**Decision of 15 May 2006 (5438th meeting):
statement by the President**

At its 5438th meeting, on 15 May 2006, the Council extended an invitation to the representative of Haiti to participate in the discussion. The President (Congo) then made a statement on behalf of the Council,¹⁰⁸ by which the Council, *inter alia*:

Congratulated Mr. René García Prével on his inauguration as President of Haiti; also congratulated all newly elected parliamentarians and called upon them to recognize the importance of the mandate given to them by the Haitian people to work constructively to build a better future for their country;

Underlined the fact that many challenges remained to be tackled, including the need to ensure a secure and stable environment in Haiti, strengthen its democratic institutions, foster national reconciliation, inclusiveness and political dialogue, promote and protect human rights and the rule of law, and build governmental capacity, and welcomed the commitment of Mr. Prével in this regard; recognizing that development remained essential to Haiti's stability, the Council called on donors and relevant stakeholders to continue to assess and coordinate assistance priorities, in close cooperation with the new Government, taking into account existing mechanisms such as the Interim Cooperation Framework;

Expressed its full support for the continued efforts by MINUSTAH and the international community to assist Haiti in its ongoing transition, and requested that MINUSTAH work closely with the new authorities in the implementation of its mandate.

**Decision of 15 August 2006 (5513th meeting):
resolution 1702 (2006)**

At its 5513th meeting, on 15 August 2006, the Council included in its agenda the report of the Secretary-General dated 28 July 2006 on MINUSTAH.¹⁰⁹ In his report, the Secretary-General observed that the security situation in Haiti continued to be worrying and destabilizing, despite the successful and peaceful holding of the national elections. He welcomed the efforts for national dialogue and reconciliation of the President-elect, and the holding of a consultative process leading to an agreement on a multiparty Government. He observed that the institutions of the State, including the national police and the judicial system, required extensive assistance to function appropriately at all levels. He regretted that little progress had been made in addressing structural problems in Haiti's judicial system, and observed that the independence of the

judiciary remained problematic. He noted that poverty reduction and socioeconomic development were high priorities. He observed that Haiti could not address those challenges by itself at the moment and that international support from partners was greatly needed. Following an assessment of the role of MINUSTAH in the post-election environment, the Secretary-General held that MINUSTAH could best offer assistance, on the basis of its comparative advantages, in the following two areas: ensuring a secure and stable environment; and providing institutional support to rule-of-law reform and to institutions of governance. Those efforts would be underpinned by the human rights work of the Mission and a political role for the Special Representative, including through his good offices. He recommended that the MINUSTAH police be strengthened with personnel and equipment qualified for special weapons and tactics (SWAT) as well as with expert advisers, as kidnapping and increased gang operations greatly impeded stabilization in Haiti. He warned, however, that while the Mission intended to maximize its crime prevention role, it would not be able to respond to criminality in an exhaustive manner.

The Council extended an invitation to the representative of Haiti to participate in the discussion. The President (Ghana) drew the attention of the Council to a draft resolution;¹¹⁰ it was then put to the vote and adopted unanimously and without debate as resolution 1702 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MINUSTAH, as contained in resolutions 1542 (2004) and 1608 (2005), until 15 February 2007, with the intention to renew for further periods;

Decided that MINUSTAH should consist of up to 7,200 troops and up to 1,951 police officers;

Authorized MINUSTAH to deploy 16 corrections officers in support of the Government to address the shortcomings of the prison system;

Decided that MINUSTAH should provide assistance and advice to the Haitian authorities in monitoring and strengthening the justice sector;

Requested the Secretary-General to report to the Council on the implementation of the mandate of MINUSTAH by 31 December 2006.

¹⁰⁸ S/PRST/2006/22.

¹⁰⁹ S/2006/592, submitted pursuant to resolution 1658 (2006).

¹¹⁰ S/2006/648.

**Decision of 15 February 2007 (5631st meeting):
resolution 1743 (2007)**

At its 5631st meeting, on 15 February 2007, the Council included in its agenda the report of the Secretary-General on MINUSTAH.¹¹¹ In his report, the Secretary-General observed that the largely successful completion of the electoral process marked a further significant step in the reinforcement of Haiti's democratic process. He stated that, in spite of the fragility of the country's foundation for democracy and stability, a renewed political dialogue had created a unique opportunity to tackle key underlying problems in the areas of security, institution-building and socioeconomic development. He noted, however, that sustained and close collaboration between the Haitian authorities, MINUSTAH and the wider international community was still required. He stated that the Government would continue to face challenges, including the distribution of responsibilities between central and local authorities; how best to meet the full security requirements of the country; determination of an appropriate response to armed groups and development of relevant disarmament, demobilization and reintegration programmes; finalization of plans for reform of the justice system; development of a means to resolve the problem of pretrial detentions; and adoption of an appropriate legislative framework for the Office of the Ombudsman. He reported that the human rights situation in Haiti remained of concern and that further efforts were needed to strengthen human rights institutions. With regard to the security situation, he reported on incidents by armed groups expressing their frustration for the perceived inaction on the part of the Government to meet their demands for amnesty in return for participation in a disarmament programme and reported that the President had issued a statement stressing that he would not hesitate to use force to neutralize armed groups that refused to disarm voluntarily. He noted that a continued deployment of MINUSTAH remained essential and that any reductions in the international security presence from its current force level should be linked to proportionate increases in the ability of Haitian institutions to assume relevant tasks, taking into account any changes in the security environment. He reported that MINUSTAH had been supporting the new Government in establishing strong and sustainable State institutions

¹¹¹ S/2006/1003, submitted pursuant to resolution 1702 (2006).

for governance and the rule of law and was also promoting development and supporting humanitarian assistance in coordination with the work of the United Nations country team. He recommended that the Mission be extended for a further 12-month period, with its present authorized troops and police ceilings.

The representatives of Argentina, Brazil, Canada, Chile and Haiti were invited to participate in the discussion. Statements were made by the representatives of China and Panama.

The President (Slovakia) drew the attention of the Council to a draft resolution;¹¹² it was then put to the vote and adopted unanimously as resolution 1743 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MINUSTAH as contained in its resolutions 1542 (2004), 1608 (2005) and 1702 (2006) until 15 October 2007 with the intention to renew for further periods;

Requested that MINUSTAH continue the increased tempo of operations in support of the Haitian National Police against armed gangs as deemed necessary to restore security, notably in Port-au-Prince, and encouraged MINUSTAH and the Government of Haiti to undertake coordinated deterrent actions to decrease the level of violence;

Requested MINUSTAH to maintain a proactive communications and public outreach strategy to improve public understanding of the mandate and the role of MINUSTAH in Haiti.

Speaking after the vote, the representative of China welcomed the improvement of the security situation in Haiti and emphasized that the mandate of MINUSTAH should be updated to reorder the Mission's priorities and adjust its composition to meet more effectively the current needs of the Haitian people, especially in the transition from peacekeeping to peacebuilding. He pointed out that China had proposed amendments to the resolution, *inter alia*, extending the mandate for only six months in keeping with general practice related to United Nations peacekeeping operations. Since he had also requested that the Secretary-General carry out a comprehensive assessment on the changed situation, his Government had agreed to an extension for a reasonable period, as an *ad hoc* arrangement, beyond the original six months. He also held that although military operations against armed gangs were necessary for the short term, certain

¹¹² S/2007/88.

paragraphs of the draft resolution overemphasized military means while failing to pay adequate attention to such important priorities as political reconciliation and economic recovery. He also held that a timely implementation of the provision in resolution 1608 (2005), paragraph 3, requesting the Secretary-General to devise a progressive drawdown strategy of the MINUSTAH force levels for the post-election period would enhance the effectiveness of the limited resources of the United Nations. He regretted that some amendments proposed by the Chinese delegation were not considered and hoped that when the Council next revisited the issue those insufficiencies would be fully addressed.¹¹³

The representative of Panama regretted that the extension provided for in resolution 1743 (2007) was for only eight months and wished that 12 months had been allocated to a comprehensive assessment of Haiti's development. He held that the support of the United Nations for Haiti would have to continue not only for 12 months, but for many more. He expressed the hope that in this time the Government of Haiti would make enough progress to enable the Council to change the Mission's configuration in keeping with that progress and that eventually the Peacebuilding Commission would step in to assist Haiti with its development, at which point the Council would be able to complete its task there.¹¹⁴

**Decision of 15 October 2007 (5758th meeting):
resolution 1780 (2007)**

At its 5758th meeting, on 15 October 2007, the Council included in its agenda the report of the Secretary-General dated 22 August 2007 on MINUSTAH.¹¹⁵ In his report, the Secretary-General reported on his visit to Haiti to assess the stabilization process and reaffirm the United Nations commitment to Haiti, and noted the progress made and the determination of the people to address the root causes of the conflict. He observed that the multiparty Government established by the new President in May 2006 continued to benefit from broad public support. He welcomed recent improvements in security but underlined the need for consolidation of the gains. He reported that MINUSTAH had conducted a detailed

threat assessment which identified three security threats facing Haiti: the likelihood of civil unrest; the potential of renewed armed violence; and the illicit traffic in drugs, arms and contraband. He also reported that an international task force, comprising MINUSTAH, the United Nations country team, key partners and donors, had been launched in January to help ameliorate the dismal situation in the shanty towns of Port-au-Prince. It aimed at identifying a broad strategy as well as short- and medium-term activities for those areas. With regard to the socioeconomic situation, he observed that real progress had been made in stabilizing the economy and that, if Haiti maintained its current path and continued improvements in security, real growth could be expected in its gross domestic product. The Secretary-General also welcomed the progress made towards judicial reform, respect for the rule of law, the strengthening of institutions and governance. He observed, however, that the security and human rights situation in Haitian prisons remained unacceptable. He reaffirmed the essential role of MINUSTAH in assisting the Government in those areas as well as in that of human rights. He observed that the provision of quick-impact projects continued to make a crucial difference and fostered public support for MINUSTAH. He recommended that the mandate of MINUSTAH be extended for a further period of 12 months, with adjustments made to its composition to reflect changing circumstances on the ground and with a view to a gradual transition towards reliance on Haitian structures to maintain stability. He further indicated that, during the coming mandate period, MINUSTAH would develop a consolidation plan with clear benchmarks for progress.

The representatives of Argentina, Brazil, Canada, Chile, Ecuador, Guatemala, Haiti, Spain and Uruguay were invited to participate in the discussion. The President (Ghana) then drew the attention of the Council to a draft resolution submitted by Argentina, Belgium, Brazil, Canada, Chile, Ecuador, France, Guatemala, Italy, Panama, Peru, Spain, Uruguay and the United States;¹¹⁶ it was put to the vote and adopted unanimously and without debate as resolution 1780 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MINUSTAH until 15 October 2008, with the intention of further renewal;

¹¹³ S/PV.5631, pp. 2-3.

¹¹⁴ *Ibid.*, pp. 3-4.

¹¹⁵ S/2007/503, submitted pursuant to resolution 1743 (2007).

¹¹⁶ S/2007/601.

Endorsed the recommendation of the Secretary-General for reconfiguring the Mission; and decided that MINUSTAH should consist of a military component of up to 7,060 troops of all ranks and of a police component of a total of 2,091 police;

Expressed its full support for the Special Representative of the Secretary-General for Haiti;

Reaffirmed its call upon MINUSTAH to support the constitutional and political process under way in Haiti;

Requested that MINUSTAH continue its support of the Haitian National Police as deemed necessary to ensure security in Haiti;

Requested MINUSTAH to remain engaged in assisting the Government of Haiti to reform and restructure the Haitian National Police;

Requested MINUSTAH to provide technical expertise in support of the efforts of the Government to pursue a comprehensive border management approach;

Requested the United Nations country team, and called upon all relevant humanitarian and development actors, to complement security operations undertaken by the Government of Haiti with the support of MINUSTAH with activities aimed at effectively improving the living conditions of the populations concerned, and requested MINUSTAH to continue to implement quick-impact projects;

Condemned any attack against MINUSTAH personnel;

Requested MINUSTAH to continue to pursue its community violence reduction approach;

Reaffirmed the human rights mandate of MINUSTAH;

Strongly condemned the grave violations against children affected by armed violence, as well as widespread rape and other sexual abuse of girls, and requested MINUSTAH to continue to promote and protect the rights of women and children;

Called on the United Nations system and the international community, in cooperation with the Haitian authorities, to devise and support a renewed aid coordination system;

Requested the Secretary-General to continue to take the necessary measures to ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse, and to keep the Council informed, and urged troop-contributing countries to ensure that acts involving their personnel are properly investigated and punished;

Also requested the Secretary-General to report to the Council on the implementation of the mandate of MINUSTAH semi-annually and no later than 45 days prior to its expiration.

Asia

23. The situation in Timor-Leste

Decision of 14 May 2004 (4968th meeting): resolution 1543 (2004)

On 13 February 2004, the Secretary-General submitted to the Security Council a special report on the United Nations Mission of Support in East Timor (UNMISSET).¹ In the report, he observed that in view of the formidable challenges that remained at the end of the current UNMISSET mandate on 20 May 2004, further assistance would be essential to consolidate and build upon the gains that had been made in an atmosphere of peace and security. He recommended the extension of UNMISSET for a further year, in a reduced size and with a modified mandate. He also recommended that a security force be deployed to provide protection for military liaison officers.

¹ S/2004/117, submitted pursuant to resolution 1410 (2002).

At its 4913th meeting,² on 20 February 2004, the Council included the report of the Secretary-General in its agenda. The President (China) drew the attention of Council members to a letter dated 11 February 2004 from the representative of Portugal,³ in which the President of Portugal indicated his support for a post-UNMISSET United Nations presence that continued to include a military force; and to a letter from the representative of Timor-Leste,⁴ requesting the extension of the presence of a United Nations battalion of peacekeeping forces in Timor-Leste beyond May 2004 in the light of the general volatility in the region and the

² During this period, in addition to the meetings covered in this section, the Council held meetings in private with the troop-contributing countries to UNMISSET, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 6 May 2004 (4963rd), 11 November 2004 (5074th) and 16 May 2005 (5179th).

³ S/2004/108.

⁴ S/2004/114.

lack of readiness of the current forces of the country to deal independently with internal tensions. The Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations. The Council members made statements, as did Australia, Fiji, Indonesia, Ireland (on behalf of the European Union),⁵ Japan, Malaysia, New Zealand, Portugal, the Republic of Korea, Singapore, the Syrian Arab Republic, Thailand, Timor-Leste and the Executive Secretary of the Community of Portuguese-Speaking Countries.

Introducing the report of the Secretary-General, the Under-Secretary-General observed that although Timor-Leste had made remarkable progress, the line of true self-sufficiency had not yet been crossed. He reported that the continued presence of a small peacekeeping operation for an additional one-year consolidation phase was essential to reinforce and strengthen what had been achieved to date. He viewed further provision of assistance to the public administration as urgent. He contended, furthermore, that continued international assistance was crucial to the conduct of serious crime investigations and proceedings, to show the Council's determination to address the issue of impunity. To promote calm at a time of potential volatility and provide security, protection and extraction for United Nations personnel, he advocated the retention of a small military presence after May 2004.⁶

Speakers in general welcomed the progress achieved by Timor-Leste in the areas of public administration, efforts to address serious crimes, internal security and the further strengthening of the relationships between Timor-Leste and Indonesia and in the region. Speakers agreed on the need to consolidate and expand on the achievements by Timor-Leste and UNMISSET over the past 18 months and agreed that further assistance to Timor-Leste after 20 May 2004 would be required in such areas as the judicial system, administrative structures and the maintenance of security. Speakers concurred in their assessment that Timor-Leste had reached a critical juncture and that the international community should continue to work in

⁵ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey also aligned themselves with the statement.

⁶ S/PV.4913, pp. 2-6.

concert towards helping the institutions of Timor-Leste to attain full-fledged sufficiency. As pointed out by the representative of Brazil, the fact that Timor-Leste was a remarkable success story for the United Nations should not be overestimated by the international community, and much remained to be done.⁷ The representative of Algeria believed that it was the duty of the international community to continue to support that young State during the crucial stage of the establishment of its institutions.⁸ The representative of Timor-Leste accepted that his Government bore some responsibility for its shortcomings and weaknesses, but noted that the country had been independent for less than two years. He pointed out that none of the members of his Government had governed before, and that training had been lacking, especially in the justice sector, where the police in particular needed strengthening.⁹

Some speakers shared concern at the security situation, which remained at risk owing to, inter alia, destabilizing groups which continued to operate across the border in West Timor.¹⁰ Others emphasized the need to strengthen the rule of law and address human rights violations, including assisting in completing investigations of crimes committed in 1999 and rooting out corruption.¹¹ Many speakers urged Timor-Leste and Indonesia to reach early agreement on their land border. The representative of Indonesia, in that connection, noted that the Joint Ministerial Commission had established several working groups to deal with border issues, trade and finance, legal matters, educational and cultural affairs, and transport and telecommunications.¹² A number of speakers expressed hope that a solution concerning approximately 28,000 refugees on the western part of the island would soon be achieved,¹³ although the representative of Indonesia contended that

⁷ Ibid., pp. 6-8.

⁸ Ibid., p. 14 (Algeria).

⁹ Ibid., p. 20.

¹⁰ Ibid., p. 7 (Brazil); p. 8 (France); p. 12 (Spain); and p. 29 (Portugal).

¹¹ Ibid., p. 7 (Brazil); p. 10 (Chile); p. 11 (Philippines); p. 13 (Romania); p. 15 (United Kingdom); p. 18 (United States); p. 23 (Ireland, on behalf of the European Union); p. 25 (New Zealand); p. 27 (Japan); p. 30 (Thailand); and p. 33 (Republic of Korea).

¹² Ibid., p. 28.

¹³ Ibid., p. 12 (Spain); p. 13 (Russian Federation, Romania); p. 14 (Algeria); p. 15 (United Kingdom); p. 29 (Portugal); and p. 34 (Fiji).

the remaining East Timorese were not refugees, but had opted to stay in Indonesia and were now being processed as its citizens.¹⁴

Against this background, delegations voiced support for the recommendation of the Secretary-General, and the appeal by Timor-Leste, that the UNMISET mandate be extended for a further 12-month consolidation phase, in a reduced size and with a modified mandate. Speakers concurred that an immediate pullout of the international military and police presence would create a security vacuum in the country. Many speakers fully supported the proposals of the Secretary-General, including the proposal that UNMISET retain a military component with a reduced size,¹⁵ and, in that regard, the representative of Spain pointed out that maintaining a military component would undoubtedly reduce the risk of destabilizing incidents.¹⁶ A number of representatives underscored the fact that the Government of Timor-Leste had expressed the wish for the continued presence of a United Nations peacekeeping force in the country.¹⁷ The representative of Pakistan and the Executive Secretary of the Community of Portuguese-Speaking Countries highlighted the deterrent value of such a component,¹⁸ and other speakers observed that the military component represented a comparatively modest effort which could have a crucial impact, in line with reality on the ground.¹⁹

In contrast, the representative of Australia reiterated the view of his Government that an armed, emergency backup United Nations police response unit could help Timor-Leste to address its security challenges, which were internal and therefore required a

police rather than a military response. The proposed unit would serve an essential complementary role to any peacekeeping presence, while day-to-day and executive policing would be the sole responsibility of the Government of Timor-Leste.²⁰ Concurring that the security threats to Timor-Leste were mostly of an internal dimension, some speakers supported the Australian proposal.²¹ At the same time, the representatives of Germany and Australia expressed readiness to join a consensus on a peacekeeping force as suggested by the Secretary-General, including the military component.²² For his part, the representative of Timor-Leste contended that a police force did not offer the same deterrence and credibility as a military force, which would provide time and space to the country to strengthen its defence and police forces.²³

The representative of France, stressing the importance of defining a clear exit strategy, stated that the new UNMISET timetable should not exceed one year and affirmed that a precise schedule should be laid down for troop reductions up to the final withdrawal.²⁴ The representative of Fiji also emphasized that a timeline aiming at an end to the Mission must be respected.²⁵ The representative of the United States stated that any assistance in civil administration beyond May 2005 would be provided through normal bilateral and multilateral donor support, rather than through a United Nations peacekeeping operation.²⁶ It was the belief of the representative of Timor-Leste that the policing and defence responsibilities could be taken over by his country by May 2005.²⁷ However, the representative of the Russian Federation stated that Timor-Leste was yet another example of the fact that the process of establishing Statehood was extremely complex and labour intensive and could not be artificially squeezed into rigid existing patterns and frameworks.²⁸

On 29 April 2004, the Secretary-General submitted to the Council a report on UNMISET,²⁹ in

¹⁴ Ibid. p. 28.

¹⁵ Ibid., p. 7 (Brazil); p. 10 (Chile); p. 11 (Philippines); p. 12 (Spain); p. 13 (Russian Federation); p. 14 (Romania); p. 16 (Benin); p. 17 (Angola); p. 19 (Pakistan); p. 22 (Singapore); pp. 23-24 (Ireland, on behalf of the European Union); p. 24 (New Zealand); p. 27 (Japan); p. 29 (Portugal); p. 30 (Thailand); p. 31 (Malaysia); p. 32 (Syrian Arab Republic); pp. 33-34 (Fiji); and p. 34 (Community of Portuguese-Speaking Countries).

¹⁶ Ibid., p. 12.

¹⁷ Ibid., p. 13 (Russian Federation); p. 16 (Benin); p. 23 (Ireland, on behalf of the European Union); p. 27 (Japan); p. 32 (Syrian Arab Republic); and p. 33 (Fiji).

¹⁸ Ibid., p. 19 (Pakistan); and p. 35 (Community of Portuguese-Speaking Countries).

¹⁹ Ibid., p. 14 (Romania); p. 17 (Angola); p. 22 (Singapore); and p. 24 (New Zealand).

²⁰ Ibid., pp. 25-26.

²¹ Ibid., p. 9 (Germany); p. 15 (United Kingdom); and p. 18 (United States).

²² Ibid., p. 9 (Germany); and p. 25 (Australia).

²³ Ibid., p. 20.

²⁴ Ibid., p. 8.

²⁵ Ibid., p. 33.

²⁶ Ibid., p. 18.

²⁷ Ibid., p. 21.

²⁸ Ibid., p. 13.

²⁹ S/2004/333, submitted pursuant to resolution 1410 (2002).

which he further developed his proposals for the Mission's consolidation phase, including a new recommendation for the establishment of an international response unit for emergency circumstances. While extraordinary progress had permitted a swift downsizing in the international presence on the ground, the Secretary-General again recommended the extension of UNMISSET for a further one-year consolidation phase to sustain, strengthen and build upon the gains made and thereby permitting Timor-Leste to attain self-sufficiency. For this, he proposed three programmes supporting public administration and justice, the development of law enforcement, and security and stability. He pointed out that the provision of support through peacekeeping could meet only the most urgent of the country's requirements, and that it must be complemented and built upon by bilateral and multilateral support, if real progress was to take place.

At its 4965th meeting, on 10 May 2004, the Council included the report of the Secretary-General in its agenda. The Council heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council³⁰ and by Australia, India, Indonesia, Ireland (on behalf of the European Union),³¹ Japan, New Zealand, Norway, Portugal, Singapore and Timor-Leste.³²

The Special Representative of the Secretary-General introduced the report and elaborated on the various elements of the mandate pertaining to external and internal security and support for public administration, such as developing national police capacities, the presence of the military component of UNMISSET and the bilateral relationship between Timor-Leste and Indonesia. He reported that through its institution-building and capacity-building activities, UNMISSET had contributed significantly to the viability and political stability of the State institutions of Timor-Leste. He considered a robust exit strategy to

ensure sustainability to be the major challenge during the consolidation phase of the Mission. The Special Representative of the Secretary-General also stated that considerable progress had been made in the orderly downsizing of the Mission.³³

Speakers in general welcomed the significant progress achieved in Timor-Leste, as outlined in the report of the Secretary-General,³⁴ including the largely calm security situation; the continuing positive relationship between Timor-Leste and Indonesia; ongoing development of the country's public administration; and promulgation by the Government of an organic law and disciplinary code for the Timorese police and an organic law for the Timorese defence forces. At the same time, speakers agreed that much remained to be done and concurred with the Secretary-General that UNMISSET should be extended with a modified mandate and reduced personnel for another year to cross a critical threshold of self-sufficiency and to consolidate gains made during the two years since the Mission had been established. In particular, they agreed that UNMISSET would continue to provide solid support to Timor-Leste's fledgling public administration and security institutions, and support the country in establishing a strong judicial tradition with emphasis on human rights and the rule of law. Speakers therefore particularly welcomed the Secretary-General's recommendation of a programme of support to public administration and justice. Speakers also maintained that substantial progress was only possible in line with economic and social development. The representative of the United Kingdom emphasized that a smooth build up in the governance capacity of Timor-Leste was necessary for a smooth UNMISSET drawdown.³⁵

The representative of France noted that special attention should be given to combating impunity for serious crimes committed in 1999,³⁶ and a number of speakers welcomed the work of the Serious Crimes Unit.³⁷ The representative of the United States believed that the Unit should maintain close adherence to its completion strategy, ending investigations no later than

³⁰ Brazil also spoke on behalf of the Community of Portuguese-Speaking Countries.

³¹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

³² Timor-Leste was represented by its Senior Minister and Minister in the Presidency of the Council of Ministers.

³³ S/PV.4965 and Corr.1, pp. 3-6.

³⁴ S/2004/333.

³⁵ S/PV.4965 and Corr.1, p. 9.

³⁶ *Ibid.*, pp. 8-9.

³⁷ *Ibid.*, p. 9 (United Kingdom); pp. 13-14 (United States); p. 23 (Ireland, on behalf of the European Union); and p. 28 (New Zealand).

November 2004, in order to conclude all its trials by no later than May 2005. He added that the international community, together with the United Nations, should consider an international truth commission as a means of achieving accountability and, ultimately, reconciliation in Timor-Leste by resolving outstanding cases.³⁸ Some speakers expressed support for the resolution of outstanding justice issues for less serious crimes through the parallel work of the Timor-Leste Commission for Reception, Truth and Reconciliation.³⁹

Many delegations voiced concern at the precarious security sector, as the national police of Timor-Leste continued to suffer from a number of institutional weaknesses. In that regard, some speakers expressly welcomed the proposed deployment of an international response unit of 125 gendarmerie, along with the earlier proposed military component of 310 troops, to form a two-element security force, providing backup support to the Timor-Leste security forces in emergency situations.⁴⁰

The representative of the United States asserted that the Mission should end no later than May 2005, at which time the Government should resume full responsibility for its own security, while continuing to receive support from elsewhere in the United Nations system and from other members of the international community.⁴¹ Similarly, the representative of Japan saw the necessity to conclude during this period the transition from the phase of peacekeeping operations for conflict resolution to the next phase of development activities, conducted through bilateral channels or relevant international institutions.⁴² The representative of India agreed that multilateral assistance of the current scale would also have to be substituted progressively by bilateral and regional cooperation.⁴³

At its 4968th meeting, on 14 May 2004, the Council once more included in its agenda the report of the Secretary-General of 29 April 2004 on UNMISSET.⁴⁴ The President (Pakistan) drew the attention of the

Council to a draft resolution;⁴⁵ it was put to the vote and adopted unanimously as resolution 1543 (2004),⁴⁶ by which the Council, *inter alia*:

Decided to extend the mandate of UNMISSET for a period of 6 months, with a view to subsequently extending the mandate for a further and final period of 6 months, until 20 May 2005;

Decided also to reduce the size of UNMISSET and revise its tasks, in accordance with the recommendations of the Secretary-General in section III of his report of 29 April 2004;

Decided, accordingly, that the mandate of UNMISSET should consist of the following elements, as outlined in the report of the Secretary-General of 29 April 2004: (a) support for the public administration and justice system of Timor-Leste and for justice in the area of serious crimes; (b) support to the development of law enforcement in Timor-Leste; and (c) support for the security and stability of Timor-Leste;

Decided also that internationally accepted human rights principles should continue to form an integral part of training and capacity-building carried out by UNMISSET.

The representative of Brazil stressed that the resolution was a clear commitment by the international community to peace and security in a country that was only two years of age and that he was sure that this one-year consolidation phase of the United Nations presence in Timor-Leste would be of the utmost importance to the development of Timor-Leste, its own capabilities and self-sufficiency.⁴⁷

Decision of 16 November 2004 (5079th meeting): resolution 1573 (2004)

On 13 August 2004, the Secretary-General submitted a progress report on UNMISSET.⁴⁸ He reported that since April 2004 the Government of Timor-Leste had taken several important steps towards reaching a critical threshold of self-sufficiency. It had adopted additional legislation and successfully assumed the responsibility for its internal and external security, while its public administration, law enforcement agencies and armed forces had all continued to develop and mature. At the same time, it was clear that much remained to be accomplished during the remaining months of the UNMISSET mandate, and that the extent of progress would depend

³⁸ *Ibid.*, p. 14.

³⁹ *Ibid.*, p. 13 (Chile); p. 23 (Ireland, on behalf of the European Union); p. 28 (New Zealand); and p. 30 (Norway).

⁴⁰ *Ibid.* p. 7 (Russian Federation); p. 22 (Singapore); and p. 29 (Australia).

⁴¹ *Ibid.*, p. 13.

⁴² *Ibid.*, p. 24.

⁴³ *Ibid.*, p. 26.

⁴⁴ S/2004/333.

⁴⁵ S/2004/383.

⁴⁶ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

⁴⁷ S/PV.4968, pp. 2-3.

⁴⁸ S/2004/669, submitted pursuant to resolution 1543 (2004).

upon joint efforts by Timor-Leste, UNMISSET and the international community.

At its 5024th meeting, on 24 August 2004, the Council included the report of the Secretary-General in its agenda. The Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all members of the Council and by Australia, Indonesia, Japan, Malaysia, the Netherlands (on behalf of the European Union),⁴⁹ New Zealand, Portugal and Timor-Leste.

Introducing the report of the Secretary-General, the Assistant Secretary-General reported that, except for a few minor incidents, the situation in Timor-Leste had remained stable and largely peaceful during the reporting period. With regard to the functioning of the democratic process, the smooth conduct of the registration of voters for the first elections in Timor-Leste since independence was an encouraging development. While Timor-Leste was making steady progress towards achieving self-sufficiency, it would continue for some time to require international assistance — both financial and human resources — to implement the legislation it had adopted and to enhance the effectiveness of key institutions of State and Government. Reporting on the progress made in the three programme areas of the UNMISSET mandate, the Assistant Secretary-General said that the recruitment of civilian advisers to support public administration had been completed. There was a shortage of qualified personnel in the public administration and justice sectors as well as in the Timorese national police and the defence forces. As many of the indicted persons were still outside Timor-Leste and had not been brought to justice regarding serious crimes committed in 1999, the serious crimes process might not be able to fully respond to the desire for justice of those affected by the violence in 1999 within the limited time frame and resources that remained available. The Assistant Secretary-General indicated that the development of the defence forces, which also continued to suffer from a lack of proper training and equipment and a very limited logistical capability for deployment, would continue to depend

on external support through the provision of equipment and training.⁵⁰

Speakers welcomed the steps taken by the Government towards self-sufficiency during the first part of the consolidation phase. In particular, they highlighted the Government's assumption of responsibility for internal and external security, the adoption of a number of fundamental laws, the steps taken in the area of electoral registration and the establishment of the Office of the Provedor for Human Rights and Justice. At the same time, they pointed to deficiencies in capacity-building.

Speakers also commended the support provided by UNMISSET in the three programme areas set out in resolution 1543 (2004), paragraph 3. In terms of support for the public administration and justice system (Programme I), some representatives hailed the improvements in the capacity and structure of public administration, but agreed with the Secretary-General, who pointed out in his report⁵¹ that in addition to having civil servants prepared for leadership roles, the right personnel also needed to be available for mid-level management posts.⁵² The representative of the United States noted the critical need for the UNMISSET civilian advisers to transfer their skills to their counterparts in Timor-Leste before May 2005.⁵³

Several speakers noted with concern the lengthy delays in the administration of justice, and agreed that additional capacity needed to be developed. In that regard, some speakers pointed to the measures adopted by the Council of Coordination of the Justice System which had led, *inter alia*, to the establishment of a judicial training centre to help develop the human resources necessary for a functioning judiciary.⁵⁴ Speakers expressed support for the assistance provided by UNMISSET through the Serious Crimes Unit. Highlighting the strategy prepared by the Unit, which aimed to complete judicial rulings on requests for arrest warrants by May 2005 for all those indicted but whose cases were not yet before the court, the representative of Chile took note of the fact that the body might not be able to complete its work in the

⁴⁹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁵⁰ S/PV.5024, pp. 2-5.

⁵¹ See S/2004/669, para. 11.

⁵² S/PV.5024, p. 5 (Chile); and p. 16 (Spain).

⁵³ *Ibid.*, p. 7.

⁵⁴ *Ibid.*, p. 5 (Chile); p. 8 (United States); and p. 10 (United Kingdom).

allotted time frame and within current resources, and that accordingly, the Council should not rule out the need to take additional measures in the future.⁵⁵ Calling for some level of accountability for the atrocities committed in 1999, several speakers were deeply concerned at whether the recent rulings by an appeals court in Indonesia and the ad hoc tribunal process could provide a full and credible accounting for the abuses that had occurred.⁵⁶ Some called for continuing support from the international community⁵⁷ or offered to lend support.⁵⁸ The Assistant Secretary-General noted that the Secretary-General had asked the United Nations High Commissioner for Human Rights to prepare a report on progress to date in the serious crimes process, in both Indonesia and Timor-Leste. On the basis of that report, he believed, decisions could be taken to ensure that the serious crimes process moved forward and that impunity did not prevail.⁵⁹

In terms of support to the development of law enforcement (Programme II), speakers welcomed the work done by the national police, but stressed the need for ongoing training, in particular with regard to achieving greater professionalism, efficiency and responsibility and a strong emphasis on respect for human rights.

With regard to support for security and stability (Programme III), speakers welcomed the relative calm that prevailed in Timor-Leste. At the same time, some emphasized the importance of paying attention to such areas of concerns as smuggling, illegal trafficking and border crossings.⁶⁰

While noting that no decision would be taken by the Council before November, the representative of Australia was of the firm view that UNMISSET should continue in its current form through May 2005, as he was not in favour of an early withdrawal or downsizing of the Mission's police or military elements.⁶¹

Speakers also stressed the importance of Timor-Leste attaining a level of economic development that would make it possible to overcome poverty and unemployment. While highlighting the assistance programmes by the United Nations, the Bretton Woods institutions and several bilateral donors, speakers were unanimous in their appeal to the international community to provide more and continued financial support to Timor-Leste to facilitate its transition from peacemaking to peacebuilding. In that connection, the representative of Pakistan advocated examining the possibility of setting up a composite committee with representation from the Security Council, the Economic and Social Council and the General Assembly to coordinate and oversee international support for Timor-Leste.⁶²

In regard to bilateral relations for Timor-Leste, the majority of speakers looked forward to the early finalization of the maritime boundary between Timor-Leste and Australia, and an agreement on the sharing of petroleum and natural gas resources in the region. They believed this to be essential for Timor-Leste in order to fully exploit its economic potential. Speakers also stressed the importance of a strengthened bilateral relationship between Indonesia and Timor-Leste. Specifically, they welcomed the progress already made between the two countries in reaching agreement on the demarcation and management of their common border, and looked forward to a definitive agreement being reached in the near future.

On 9 November 2004, the Secretary-General submitted to the Council a progress report on UNMISSET.⁶³ In the report, which reviewed the activities of UNMISSET since August 2004, he included recommendations on the basis of the findings of an integrated technical assessment mission that had visited Timor-Leste in October 2004. The mission had concluded that, despite the notable advances achieved during the UNMISSET consolidation phase, Timor-Leste had not yet reached the critical threshold of self-sufficiency. The public administration — particularly the finance, banking and justice sectors — remained weak and fragile. The Secretary-General concluded that the situation on the ground did not warrant any modification of the Mission's tasks as mandated by the Council in resolution 1543 (2004). In the current circumstances,

⁵⁵ *Ibid.*, p. 6.

⁵⁶ *Ibid.*, p. 8 (United States); p. 10 (France, United Kingdom); p. 14 (Germany); p. 21 (Netherlands, on behalf of the European Union); p. 23 (Japan); and p. 24 (New Zealand).

⁵⁷ *Ibid.*, p. 9 (Brazil); p. 15 (Romania); p. 21 (Netherlands, on behalf of the European Union); and p. 24 (New Zealand).

⁵⁸ *Ibid.*, p. 16 (Spain).

⁵⁹ *Ibid.*, p. 4.

⁶⁰ *Ibid.*, p. 6 (Chile); p. 9 (Brazil); and p. 15 (Romania).

⁶¹ *Ibid.*, p. 20.

⁶² *Ibid.*, p. 7.

⁶³ S/2004/888, submitted pursuant to resolution 1543 (2004).

any change of the composition or size of UNMISSET, including those of the police and military components, could compromise its ability to carry out its responsibilities.

At its 5076th meeting, on 15 November 2004, the Council included the report of the Secretary-General in its agenda. The Council heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by the representatives of Australia, Indonesia, Japan, Malaysia, the Netherlands (on behalf of the European Union),⁶⁴ New Zealand, Portugal, Singapore, Thailand and Timor-Leste.

Introducing the Secretary-General's report, the Special Representative of the Secretary-General reported that Timor-Leste had remained stable and peaceful, with one exception when Timorese police officers had used excessive force on 20 July in arresting peaceful demonstrators, mostly former independence fighters. Significantly, however, the Timorese leadership had taken immediate initiatives to address the grievances of members of the former resistance and other disgruntled groups. He noted that preparations for the first Suco local elections had progressed further, and the National Electoral Commission was deliberating upon the procedures that would allow the commencement of polling.

Reporting on setbacks encountered during the reporting period, he informed the Council that the National Parliament had failed to select the Provedor for Human Rights and Justice and had yet to complete its deliberations on the reports submitted by the Commission for Former Combatants Affairs and the Commission for Veterans Affairs. Border demarcation talks had not resulted in a final agreement, as expected earlier. Turning to the issue of bringing to justice the perpetrators of the atrocities committed in 1999, the Special Representative of the Secretary-General stated that the serious crimes process would be unable to respond fully to the desire for justice for all the victims in view of the limited time and resources available.

In regard to the status of the implementation of the UNMISSET mandate, the Special Representative

noted that while training of the national police of Timor-Leste continued, key challenges remained, including a lack of professional expertise and, in some officers, a lack of respect for human rights. While the capacity of the Timorese defence force had continued to grow, he noted that the Force remained hampered by a lack of experienced personnel and limited logistic capacity. In addition, the Timorese border security agencies did not yet have the capacity to manage border affairs by themselves.

Reiterating the recommendation of the Secretary-General that there be no modification to UNMISSET tasks nor any reduction in its size, the Special Representative turned to the increased focus required to implement the Mission's transition strategy in the coming six months. In that respect, he reported that UNMISSET was redoubling its efforts to increase Timorese involvement and ownership of the three programme operations. Further, he reported that he had constituted eight working groups to identify specific measures required for a smooth transition from peacekeeping operations to more traditional nation-building and sustainable development assistance.

Speakers supported the recommendation of the Secretary-General to extend the mandate of UNMISSET with its current tasks, configuration and size for a further and final six-month period until 20 May 2005. They generally stressed the importance for UNMISSET to devise and implement an effective exit strategy that would ensure a seamless transition upon its departure, as recommended in the report of the Secretary-General. According to the representative of Angola, the strategy would be based on increased ownership and involvement of the Timorese in public administration, justice, law enforcement and national security.⁶⁵ At the same time, as also noted by the representatives of the Philippines and the United Kingdom, the Mission would have to mobilize bilateral and multilateral partners whose assistance would be crucial in further efforts towards a sustainable development assistance framework.⁶⁶ Other speakers stated that UNMISSET should focus on preparing and implementing its exit strategy, while aiming at increasing Timorese ownership but also requiring sustained bilateral and multilateral international assistance after the departure of UNMISSET. The representative of New Zealand

⁶⁴ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁶⁵ S/PV/5076, p. 11.

⁶⁶ *Ibid.*, p. 8 (United Kingdom); p. 11 (Angola); and p. 13 (Philippines).

particularly emphasized the importance of a transition strategy in the justice sector.⁶⁷ The representative of Malaysia expressed the view that the next six months would be crucial with respect to ensuring that the withdrawal of UNMISSET would not have a significant impact on the proper functioning of the Government of Timor-Leste. He therefore called for a thorough and comprehensive assessment regarding that country's self-reliance.⁶⁸

In the view of the representative of Timor-Leste, the establishment of the eight working groups, which were given the task to ensure a smooth transition from peacekeeping and peacebuilding to sustainable development, was a timely initiative that would contribute to finding the most appropriate exit strategy,⁶⁹ and it was welcomed by a number of speakers.⁷⁰ The representative of Indonesia stated that the efforts of the working groups could create an opportunity to successfully complete the UNMISSET mandate within a secure time frame.⁷¹ The representative of the Russian Federation emphasized that UNMISSET should give maximum attention to preparing an exit strategy.⁷²

Many speakers welcomed the strengthening of relations between Timor-Leste and other States of the region, particularly Indonesia, and hoped for further progress with Indonesia and Australia on finalizing maritime boundaries and land border demarcation.

At its 5079th meeting, on 16 November 2004, the Council once more included in its agenda the report of the Secretary-General on UNMISSET.⁷³ The President (United States) drew the attention of the Council to a draft resolution;⁷⁴ it was put to the vote and adopted unanimously and without debate as resolution 1573 (2004),⁷⁵ by which the Council, inter alia:

Decided to extend the mandate of UNMISSET for a final period of 6 months until 20 May 2005;

Decided also to maintain current tasks, configuration and size of UNMISSET in order to allow it to complete key tasks of its mandate and consolidate gains made thus far;

Requested UNMISSET to focus increasingly on implementing its exit strategy, particularly with a view to ensure increasing involvement and ownership of the Timorese in the Mission's three programme areas;

Urged the donor community to continue providing its indispensable assistance to Timor-Leste;

Urged, in particular, United Nations development and humanitarian agencies and multilateral financial institutions to start immediately planning for a smooth transition, in Timor-Leste, from a peacekeeping operation to a sustainable development assistance framework.

Decision of 28 April 2005 (5171st meeting): resolution 1599 (2005)

On 18 February 2005, the Secretary-General submitted to the Council a progress report on UNMISSET.⁷⁶ In the report, the Secretary-General recommended maintaining a United Nations mission with a scaled-down structure for a period of up to 12 months, until 20 May 2006, as the withdrawal of UNMISSET would have a potentially negative impact on the security and stability of the country as well as on the proper functioning of State institutions.

At its 5132nd meeting, on 28 February 2005, the Council included the report of the Secretary-General in its agenda. The Council heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by Australia, Indonesia, Luxembourg (on behalf of the European Union),⁷⁷ New Zealand, Portugal, Singapore, Thailand and Timor-Leste.⁷⁸

Introducing the Secretary-General's report, the Special Representative of the Secretary-General reported that tangible progress had been achieved by holding local elections, strengthening relations with neighbouring countries and building democratic institutions. He reported, however, that the most demanding challenge was the land-border demarcation

⁶⁷ Ibid., p. 24.

⁶⁸ Ibid., p. 26.

⁶⁹ Ibid., p. 18.

⁷⁰ Ibid., p. 13 (Philippines); p. 15 (Spain); p. 19 (Indonesia); p. 22 (Japan); and p. 24 (New Zealand).

⁷¹ Ibid., p. 19.

⁷² Ibid., p. 15.

⁷³ S/2004/888.

⁷⁴ S/2004/901.

⁷⁵ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

⁷⁶ S/2005/99, submitted pursuant to resolution 1573 (2004).

⁷⁷ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia aligned themselves with the statement.

⁷⁸ Timor-Leste was represented by its Senior Minister and Minister for Foreign Affairs and Cooperation.

negotiations. According to the findings of the transition working groups, major challenges remained in four areas: security and stability; the development of police capability; public administration and the justice system; and human rights and the promotion of good governance. Since all of those areas were important in the post-conflict situation, the Special Representative of the Secretary-General maintained that if the United Nations totally withdrew the military liaison officers and police trainers upon completion of the UNMISSET mandate, Timor-Leste might face insurmountable challenges on its path towards peace and stability.

He therefore endorsed the recommendation of the Secretary-General to extend the mandate of UNMISSET for a period of up to 12 months until 20 May 2006, albeit in an appropriately scaled-down form, noting that the period could be shortened if sufficient bilateral and multilateral support was forthcoming.⁷⁹

The representative of Timor-Leste also appealed to the Council for an extension of the UNMISSET mandate. In regard to the presence of military liaison officers, he stated that they were needed to provide further training to the Timorese Border Patrol Unit and that national security agencies were not in a position to guarantee the safety and security of liaison officers. At the same time, he expressed an openness to discuss arrangements with any country in the region offering or willing to offer stand-by arrangements for evacuation and other logistical support. In regard to the training of Timorese police officers, the representative considered it essential to retain the 62 police trainers deployed in those areas where multilateral and bilateral assistance was unlikely to become available at that time. The same was true for civilian advisers, who were needed to strengthen the institutional capacity of State institutions. If Timor-Leste was to rely exclusively on bilateral funding, it would be in a very dire situation with regard to ensuring the functioning and capacity-building of its institutions. He went on to brief the Council on the joint efforts of his Government and Indonesia to resolve the reported human rights violations in 1999 and reported that the land border demarcation talks between the two countries had made progress in record time, and had now reached some 96 per cent completion. Elaborating on the new Truth and Friendship Commission, he said that the initiative was unique, as it was the first time in modern history that two countries previously in conflict

had decided to deal with issues of violence through a joint truth and reconciliation commission.⁸⁰

Speakers acknowledged the tangible progress achieved in Timor-Leste since 1999, but at the same time noted that progress was not sufficient and saw the need for ongoing international assistance after 20 May 2005, particularly for the public administration, judicial institutions and security forces. In that connection, several speakers expressed support for or took note of the Secretary-General's suggestion to extend the mandate of UNMISSET for another year in a scaled-down configuration.⁸¹ Supporting a continued United Nations presence, several delegations stressed the need for a smooth transition from peacekeeping to a sustainable development framework which focused on capacity-building.⁸² The representative of the United Kingdom held that the successor to UNMISSET should be a small, tightly focused political mission with a clear and achievable exit strategy.⁸³ The representative of the United States advocated the conclusion of UNMISSET as scheduled in May 2005, as there was no longer a threat to international peace and security requiring a peacekeeping operation. He was open to exploring the establishment of a special political mission for a discrete, limited period.⁸⁴

In terms of the areas requiring ongoing support, speakers expressed particular concern over the limited progress in the delineation of the common land border between Indonesia and Timor-Leste. While praising improved relations between the two countries, speakers urged both countries to reach final agreement as soon as possible, thereby improving border management and control. Speakers also welcomed the establishment of a bilateral Truth and Friendship Commission to deal with the human rights abuses perpetrated in 1999, and in that connection reiterated their support for the commission of experts established by the Secretary-General to explore further ways to address impunity.

⁸⁰ *Ibid.*, pp. 5-10.

⁸¹ *Ibid.*, p. 11 (Japan); pp. 11-12 (Russian Federation); p. 13 (Argentina); p. 15 (Greece); p. 16 (Philippines); p. 17 (Algeria, United Republic of Tanzania); p. 23 (Benin); p. 25 (Luxembourg, on behalf of the European Union); p. 26 (Singapore); p. 27 (Portugal); and p. 30 (Thailand).

⁸² *Ibid.*, p. 11 (Japan); p. 12 (United Kingdom); p. 14 (Denmark); p. 19 (Brazil); p. 20 (United States); p. 21 (France); p. 24 (Australia); and p. 31 (New Zealand).

⁸³ *Ibid.*, p. 12.

⁸⁴ *Ibid.*, p. 20.

⁷⁹ S/PV.5132, pp. 2-5.

At the 5171st meeting, on 28 April 2005, the President (China) drew the attention of the Council to the report of the Secretary-General on UNMISSET⁸⁵ and to a draft resolution.⁸⁶ The draft resolution was adopted unanimously and without debate as resolution 1599 (2005),⁸⁷ by which the Council, *inter alia*:

Decided to establish a one-year follow-on special political mission in Timor-Leste, the United Nations Office in Timor-Leste (UNOTIL), which would remain in Timor-Leste until 20 May 2006;

Decided also that UNOTIL would have the following mandate: (a) to support the development of critical State institutions through provision of up to 45 civilian advisers; (b) to support further development of the police through provision of up to 40 police advisers, and support for development of the Border Patrol Unit through provision of up to 35 additional advisers, 15 of whom might be military advisers; (c) to provide training in observance of democratic governance and human rights through provision of up to 10 human rights officers; and (d) to monitor and review progress in (a) through (c) above.

**Decision of 12 May 2006 (5436th meeting):
resolution 1677 (2006)**

On 12 May 2005, the Secretary-General submitted to the Council an end-of-mandate report on UNMISSET,⁸⁸ in which he reviewed the activities of UNMISSET since his previous report, dated 18 February 2005⁸⁹ and described preparations for the implementation of the mandate of UNOTIL.

At its 5180th meeting, on 16 May 2005, the Council included in its agenda the report of the Secretary-General dated 12 May 2005. The Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all members of the Council and by the representatives of Australia, Indonesia, Luxembourg (on behalf of the European Union),⁹⁰ Malaysia, Portugal and Timor-Leste.

Introducing the report of the Secretary-General, the Assistant Secretary-General highlighted some notable political developments, such as the peaceful and orderly holding of local elections in the eastern districts of the country and continued improvement in relations between Timor-Leste and Indonesia. However, a border incident underscored the continued need for a United Nations presence to facilitate interaction between the Border Patrol Unit and the Indonesian military. Similarly, he noted that the Rapid Intervention Unit still relied to a large extent on the advice of the UNMISSET civilian police component. While local ownership had been enhanced and further progress had been achieved towards the consolidation of the State institutions of Timor-Leste, the functioning of the judicial system continued to depend on the support of international advisers. He observed that a withdrawal of UNMISSET contingents could have implications for the security of United Nations personnel.⁹¹

Speakers in general welcomed the progress achieved during the final consolidation phase of UNMISSET, including the peaceful holding of elections; the improvement of relations with neighbouring States, particularly Indonesia; the improvement of security; progress in institution-building; and the promotion of democracy and human rights. They pointed out, however, that much more remained to be done, if Timor-Leste was to achieve sustainable self-sufficiency. Stressing the need to fight impunity and bring the perpetrators of the serious crimes committed in 1999 to justice, they looked forward to the report of the Commission of Experts appointed by the Secretary-General. In view of the report's release after the closure of UNMISSET, the representative of the United States supported a delay in the liquidation of the Serious Crimes Unit until the Council could consider the Commission's recommendations.⁹² The representative of the Philippines believed that there was ample opportunity for complementarity between the work of the Commission of Experts and the work of the Truth and Friendship Commission,⁹³ and other speakers encouraged coordination between both to ensure that justice was done.⁹⁴

⁸⁵ S/2005/99.

⁸⁶ S/2005/267.

⁸⁷ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

⁸⁸ S/2005/310, submitted pursuant to resolution 1573 (2004).

⁸⁹ S/2005/99.

⁹⁰ Albania, Bulgaria, Croatia, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁹¹ S/PV.5180, pp. 2-5.

⁹² *Ibid.*, p. 11.

⁹³ *Ibid.*, p. 5.

⁹⁴ *Ibid.*, p. 9 (Romania); p. 12 (Argentina); and p. 18 (Luxembourg, on behalf of the European Union).

The representative of Indonesia highlighted both countries' responsibility to address the reported human rights violations of 1999 within the Truth and Friendship Commission, which he believed remained the best mechanism to provide an acceptable solution. He looked forward to the positive contributions of the Commission of Experts to the work of the Truth and Friendship Commission in bringing closure to that residual issue.⁹⁵

In addition, speakers emphasized the need to further improve and strengthen relations between Timor-Leste and Indonesia as well as between Timor-Leste and Australia. They recognized the continuing need for international assistance and welcomed the succession of UNMISSET by UNOTIL, with its focus on peacebuilding and development. The representative of the United Kingdom noted that, with the establishment of UNOTIL, United Nations activities in Timor-Leste moved into a new phase and that the Organization would now be in a position to refocus and concentrate its efforts on areas where the people of East Timor still required targeted assistance.⁹⁶ The representative of China expressed the hope that, UNOTIL would be clear about its direction and would focus on transferring management experience and other skills to ensure that a fully independent professional Timorese management team was in place at an early date.⁹⁷ At the same time, some speakers stressed the need to secure bilateral and multilateral assistance beyond the support provided by UNOTIL.⁹⁸

The representative of Japan believed that peacekeeping operations must have clear completion strategies and that recipient countries of such operations should keep that point in mind and make the utmost effort to attain self-sufficiency. Praising the efforts of the United Nations in Timor-Leste, he stated that he hoped that other peacekeeping operations would redouble their efforts to fulfil their mandates in accordance with completion strategies appropriate to the specific situations on the ground.⁹⁹ The representative of Denmark supported an approach based on national ownership that placed the people of Timor-Leste in the

driver's seat, and therefore welcomed the fact that the number of international United Nations advisers would be reduced over the coming months to give room for the Timorese to assert their leadership.¹⁰⁰

The representative of Timor-Leste, while pointing to the absence of provision for a backup security force in resolution 1599 (2005), and recognizing his country's insufficient capacity, reaffirmed his country's commitment to peace and stability, as well as to the protection of United Nations personnel. He reaffirmed the commitment of both Timor-Leste and Indonesia to resolve the remaining issues of mutual concern. He indicated that his Government was carefully studying the Australian proposals on the maritime boundaries, to achieve a fair and just agreement.¹⁰¹

On 18 August 2005, the Secretary-General submitted a progress report on UNOTIL,¹⁰² in which he covered major developments on the ground since his end-of-mandate report on UNMISSET¹⁰³ and described the activities undertaken by UNOTIL since its inception.

At its 5251st meeting, on 29 August 2005, the Council included the report of the Secretary-General in its agenda. The Council heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Introducing the report of the Secretary-General, the Special Representative maintained that the overall situation in Timor-Leste had remained calm and stable, and that relations between Timor-Leste and Indonesia and between Timor-Leste and Australia continued to improve. He reported that as a result of the support to critical State institutions by civilian advisers, Timorese counterparts had increased their ownership of the functional responsibilities. Nevertheless, there was a lack of a minimum national capacity in such highly technical and specialized sectors as justice and finance. Police training advisers had begun a training programme for the Border Patrol Unit, and human rights officers had been assigned to national State institutions to strengthen their capacity to protect and promote human rights at all levels. After the closure of the serious crimes process, he reported that an agreement on the preservation of serious crimes records had currently been discussed. The

⁹⁵ *Ibid.*, pp. 19-20.

⁹⁶ *Ibid.*, p. 13.

⁹⁷ *Ibid.*, p. 7.

⁹⁸ *Ibid.*, p. 6 (Philippines); p. 8 (United Republic of Tanzania); p. 9 (Romania); p. 17 (Australia); p. 17 (Luxembourg, on behalf of the European Union); p. 21 (Malaysia); and p. 22 (Portugal).

⁹⁹ *Ibid.*, p. 6.

¹⁰⁰ *Ibid.*, p. 16.

¹⁰¹ *Ibid.*, pp. 22-23.

¹⁰² S/2005/533, submitted pursuant to resolution 1599 (2005).

¹⁰³ S/2005/310.

Special Representative of the Secretary-General then made clear that, in the absence of a United Nations security force, the security and safety of United Nations personnel remained a major concern and a challenge to UNOTIL.¹⁰⁴

On 17 January 2006, the Secretary-General submitted a progress report on UNOTIL,¹⁰⁵ in which he, *inter alia*, outlined the ongoing plans for the transition from UNOTIL to a sustainable development framework. He observed that despite the remarkable achievements made by Timor-Leste since 1999, the situation in the country remained fragile. Crucial State institutions, in particular the justice sector, remained weak, in large part owing to a lack of qualified human resources, and time would also be required for democratic governance and human rights to take root in the country. Therefore, the Secretary-General strongly believed that while the future of the country rested with the Timorese people and their Government, the international community should remain engaged in Timor-Leste beyond the expiration of the mandate of UNOTIL on 20 May 2006.

At its 5351st meeting, on 23 January 2006, the Council included in its agenda the above-mentioned report of the Secretary-General. The President (United Republic of Tanzania) drew the attention of the Council to a letter dated 20 January 2006 from the Prime Minister of Timor-Leste requesting the establishment of a special political office in Timor-Leste with the components of electoral assistance, civilian advisers and police training.¹⁰⁶ The Council heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by the representatives of Australia, Austria (on behalf of the European Union),¹⁰⁷ Brazil, Papua New Guinea, Portugal and Timor-Leste.

Introducing the report of the Secretary-General, the Special Representative noted that, during the past five months, UNOTIL civilian advisers had accelerated their efforts to transfer skills and knowledge, and that

their Timorese counterparts were now demonstrating increased ability and willingness to carry out their duties. However, national capacities in highly technical areas, such as justice and finance, remained extremely weak, so that international advisory support, especially in those two areas, would be required for some years to come. Furthermore, the Special Representative maintained that human rights activities would need continued attention by the international community. With regard to UNOTIL support to the national police, a border incident had prompted UNOTIL to refocus attention on enhancing the professionalism of the Border Patrol Unit. He then drew attention to an electoral needs assessment mission which had concluded that, for forthcoming elections of the National Parliament and Presidency in 2007 to be free and fair, Timor-Leste needed the assistance of the international community and a strong political presence. The Special Representative recommended that the Council, taking into account the newly emerging political and security situation, examine carefully a request from the Government of Timor-Leste for the establishment of a special political office.¹⁰⁸

The representative of Timor-Leste stated that the recently concluded report of the Commission for Reception, Truth and Reconciliation needed to be evaluated not only from the perspective of exposing the truth regarding human rights violations, but also from the perspective of reconciliation, which had been a long-standing process for the people of Timor-Leste. Turning to achievements and challenges in Timor-Leste, he acknowledged the criticism levelled at the national police and the shortcomings in the justice sector. Against the backdrop of upcoming parliamentary and presidential elections, he proposed that the Council consider, as requested by the Prime Minister of Timor-Leste,¹⁰⁹ establishing a follow-on special political office in Timor-Leste.¹¹⁰

Speakers in general were encouraged by the significant positive developments in Timor-Leste, including the submission of the report of the Commission for Reception, Truth and Reconciliation to the Secretary-General. They applauded the improved relations between Timor-Leste and Indonesia, with the establishment of the bilateral Commission for Truth and Friendship being of particular importance, and

¹⁰⁴ S/PV.5251, pp. 2-5.

¹⁰⁵ S/2006/24, submitted pursuant to resolution 1599 (2005).

¹⁰⁶ S/2006/39, annex.

¹⁰⁷ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹⁰⁸ S/PV.5351, pp. 2-4.

¹⁰⁹ See S/2006/39, annex.

¹¹⁰ S/PV.5351, pp. 4-9.

looked forward to the report of the Secretary-General on justice and reconciliation in Timor-Leste. Speakers commended the agreement between Timor-Leste and Australia on sharing oil and gas revenues. However, they noted that, in spite of all the progress made, further assistance was required. They agreed that the need to secure the long-term success of the State-building process was a central task that lay ahead, for which the 2007 presidential and parliamentary elections would be a milestone. To that end, the majority of speakers expressed their support for the establishment of a special political office in Timor-Leste, as a follow-on to UNOTIL. Several speakers expressed the view that any continued United Nations presence should be small, to enable the Timorese to be in the driver's seat in the future development of their country.¹¹¹ Stating that the request by Timor-Leste was perfectly legitimate, the representative of France maintained that the structure needed to be appropriate and functional.¹¹² The representative of the United States held that ending UNOTIL did not mean ending assistance to Timor-Leste, promising to ensure that the Government of Timor-Leste would continue to receive assistance from the United Nations Development Programme, the World Bank and a variety of bilateral donors.¹¹³

The issue of impunity was brought up by a number of speakers,¹¹⁴ with some emphasizing that reconciliation must not mean that the most serious crimes escaped unpunished.¹¹⁵

On 20 April 2006, the Secretary-General submitted to the Council his end-of-mandate report on UNOTIL,¹¹⁶ in which he proposed the establishment of a follow-on integrated United Nations office, in response to the request made by Timor-Leste.¹¹⁷

At its 5432nd meeting, on 5 May 2006, the Council included the report of the Secretary-General in its agenda. The Council was briefed by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by Australia, Austria (on behalf of the European Union and the countries aligning themselves with the statement), Brazil, Indonesia, Malaysia, New Zealand, Portugal, Singapore, Thailand and Timor-Leste.¹¹⁸ The President (Congo) drew attention to a letter dated 10 April 2006 from the Chargé d'affaires a.i. of Timor-Leste, transmitting a letter dated 2 April 2006 to the Secretary-General concerning the post-UNOTIL United Nations presence in Timor-Leste.¹¹⁹

In his briefing, the Special Representative of the Secretary-General reported that the situation in Timor-Leste had changed rapidly since the issuance of the most recent report of the Secretary-General¹²⁰ two weeks earlier. He drew the attention of the Council to the demonstrations by 594 dismissed soldiers of the Timorese defence force, who had demanded that an independent commission be established to address the issue of discrimination and investigate their grievances. After four days of peaceful demonstrations, a mob of "non-594" youths and some political elements had attacked the Government office building, and the Government of Timor-Leste had then been forced to deploy its military to restore order. The Special Representative of the Secretary-General remarked that while property damage was minor, the psychological impact on the people had been immense. In that regard, he said that 14,000 people had sought refuge in churches and other public buildings, and that more than 1,000 family members of local UNOTIL staff had taken refuge at UNOTIL headquarters. UNOTIL estimated that five persons had been killed and at least 60 had been injured. The Special Representative noted, in reference to the UNOTIL capacity-building programme for State institutions, that a sustainable development assistance framework had been completed in almost all areas. While progress had been made in training the national police of Timor-

¹¹¹ Ibid., p. 10 (Denmark); p. 13 (Slovakia); p. 16 (United Kingdom); p. 22 (United Republic of Tanzania; Austria, on behalf of the European Union).

¹¹² Ibid., p. 14.

¹¹³ Ibid., p. 21.

¹¹⁴ Ibid., p. 10 (Denmark); p. 13 (Slovakia); p. 14 (France); p. 21 (United States); p. 22 (United Republic of Tanzania); and p. 23 (Austria, on behalf of the European Union).

¹¹⁵ Ibid., p. 13 (Slovakia); p. 14 (France); and p. 23 (Austria, on behalf of the European Union).

¹¹⁶ S/2006/251 and Corr.1, submitted pursuant to resolution 1599 (2005).

¹¹⁷ Letter dated 17 January 2006 from the Prime Minister of Timor-Leste (S/2006/39, annex); letter dated 2 March

2006 from the Minister for Foreign Affairs of Timor-Leste (S/2006/157, annex); and letter dated 2 April 2006 from the President of Timor-Leste (S/2006/230, annex), all addressed to the Secretary-General.

¹¹⁸ Timor-Leste was represented by its Senior Minister and Minister for Foreign Affairs and Cooperation.

¹¹⁹ S/2006/230.

¹²⁰ S/2006/251 and Corr.1.

Leste, he called on the international community to provide the police with further intensive training and to help to strengthen its Professional Ethics Office and other human rights mechanisms. He stated that the establishment of an integrated United Nations office after the completion of the UNOTIL mandate and the continued presence of the United Nations police were of utmost importance to support Timor-Leste in maintaining peace and stability, in particular with a view to conducting free and fair national elections in 2007.¹²¹

The representative of Timor-Leste favoured a small but robust United Nations presence in the country from May 2006 to May 2007 as a follow-on to the successive United Nations missions there and hoped that the Council would consider his country's request to that end. He described the recent violence in Dili as a wake-up call for his Government and the international community, and expressed the belief that urgent preventive measures were needed to prevent a relapse into violence and instability. In the many days of dialogue with the leaders of the ex-military group that had sparked the incident, those leaders had expressed a willingness to cooperate with the Government. It was his view, however, that the ex-military organizers had lost control of the demonstration, which had been taken over by others who had hijacked their agenda. He assured the Council that the Government was moving swiftly to prepare for the upcoming elections and, in that regard, cited pertinent reasons for the establishment of an integrated office, including the fragile political environment; the challenge to upholding internal stability, the rule of law and respect for human rights before, during and after the elections; the creation of a secure environment, including in the border region; and the acute need for continued international assistance to the justice sector. The representative of Timor-Leste concluded by reiterating that the proposal contained in the report of the Secretary-General represented the bare minimum that Timor-Leste required, and in the light of the latest developments, requested once again a robust international police force of at least a company strength, with appropriate logistical means, during the period leading up to the national elections.¹²²

¹²¹ S/PV.5432, pp. 2-5.

¹²² Ibid., pp. 5-10.

Most speakers supported the recommendation of the Secretary-General for a continued United Nations presence in Timor-Leste, since peace and democracy were yet to be consolidated, and expressed the belief that the support of the international community would be indispensable in preparing for the 2007 presidential and parliamentary elections and to fully build up State institutions. The representative of the United States, on the other hand, believed that a follow-on United Nations presence, regardless of how well thought out it could be, would not be timely at the present moment. He was of the view that a simple one-month rollover of the Mission's existing mandate would give the situation in Timor-Leste time to settle down and provide the Council with the time to consider the situation further.¹²³

While agreeing that Timor-Leste had made strong progress towards being self-reliant and welcoming the advances in its relations with Indonesia, most speakers acknowledged that, as had been evidenced by the recent violence, the country remained fragile and required continued support from the international community. Speakers agreed that, as the Secretary-General noted in his report, serious challenges remained in the areas of defence, police, justice, human rights, border patrols and public administration. Some representatives held that the recommendations of the Secretary-General were the minimum required for Timor-Leste, as the Council must act in the context of a long-term plan.¹²⁴ The representative of France believed that a follow-on mission should also have a human rights section to pursue matters related to justice and reconciliation.¹²⁵

The representative of Australia said that it was essential to recognize that the many challenges facing Timor-Leste, including the recent unrest, were domestic in nature and that assistance should be focused on helping the people of Timor-Leste to develop sustainable institutions and policies that supported Timor-Leste's new democracy, its political stability, the rule of law, the future security of its people and economic growth.¹²⁶

¹²³ Ibid., p. 16.

¹²⁴ Ibid., p. 12 (Argentina); p. 22 (Congo); p. 26 (Portugal); and p. 29 (Brazil).

¹²⁵ Ibid., p. 13.

¹²⁶ Ibid., p. 27.

The representative of Indonesia stated that the delineation of the remaining one per cent of the land border was expected to be completed by August, and that cooperation on border security continued to be strengthened.¹²⁷

At its 5436th meeting, on 12 May 2006, the Council again included in its agenda the end-of-mandate report of the Secretary-General on UNOTIL.¹²⁸ The President (Congo) 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 1677 (2006),¹³⁰ by which the Council, *inter alia*:

Decided to extend the mandate of UNOTIL until 20 June 2006;

Requested the Secretary-General to provide the Council by 6 June 2006 with an update on the situation in Timor-Leste and the role of United Nations in Timor-Leste following the expiration of the mandate of UNOTIL with a view to taking further action on the subject.

**Decision of 25 May 2006 (5445th meeting):
statement by the President**

At its 5445th meeting, on 25 May 2006, the Council included in its agenda a letter from the Secretary-General addressed to the President of the Council,¹³¹ transmitting a letter from the President, Prime Minister and Speaker of the National Parliament of Timor-Leste, in which they reported that Timor-Leste had requested assistance from the Governments of Portugal, Australia, New Zealand and Malaysia in sending defence as well as security forces to Timor-Leste as a matter of urgency, in view of the deterioration of the internal security conditions in that country, and had requested the Secretary-General to take steps in order to obtain international support to the assistance to be extended by the aforementioned countries. The President (Congo) drew attention to four letters addressed to him: a letter dated 24 May 2006 from the representative of New Zealand,¹³² which referred to the unstable situation in Timor-Leste and a request made by Timor-Leste to provide international

assistance to help re-establish security and confidence in the country, and requested the Council to give urgent attention to the matter; a letter dated 25 May 2006 from the representative of Australia,¹³³ in which, further to his letter of 24 May 2006, he reported that Australia had responded positively to the formal written request from Timor-Leste and had agreed to provide appropriate assistance to support the country's defence and security forces to re-establish and maintain public order; a letter dated 25 May 2006 from the representative of Portugal,¹³⁴ transmitting a letter dated 24 May 2006 from the Minister for Foreign Affairs, reporting that Portugal, in coordination with Australia, Malaysia and New Zealand, had agreed to deploy a multinational security force in response to the request made by Timor-Leste, and stating that such a deployment would benefit from an expeditious decision by the Council confirming its full international authority; and a letter dated 25 May 2006 from the representative of New Zealand,¹³⁵ transmitting a statement released by the Prime Minister of New Zealand on 26 May 2006, announcing the initial deployment of New Zealand aircraft and personnel to Darwin in response to the situation in Timor-Leste.

The President (Congo) made a statement on behalf of the Council,¹³⁶ by which the Council,¹³⁷ *inter alia*:

Expressed its deep concern at developments in Timor-Leste, recognized the urgency of the deteriorating security situation and condemned acts of violence against people as well as destruction of property;

Urged the Government of Timor-Leste to take all necessary steps to end the violence;

Urged all parties in Timor-Leste to refrain from violence and to participate in the democratic process;

Welcomed the positive responses made by the Governments concerned and fully supported their deployment of defence and security forces to urgently assist Timor-Leste in restoring and maintaining security;

Looked forward to close cooperation between UNOTIL and the forces of the Governments concerned;

¹²⁷ *Ibid.*, p. 33.

¹²⁸ S/2006/251 and Corr.1.

¹²⁹ S/2006/290.

¹³⁰ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

¹³¹ S/2006/319.

¹³² S/2006/320.

¹³³ S/2006/325.

¹³⁴ S/2006/326.

¹³⁵ S/2006/327.

¹³⁶ S/PRST/2006/25.

¹³⁷ The representatives of Australia, Malaysia, New Zealand, Portugal and Timor-Leste were invited to participate in the meeting but did not make statements.

Welcomed the initiatives of the Secretary-General, including his intention to send a special envoy to Timor-Leste in order to facilitate the political dialogue;

Requested the Secretary-General to follow closely the situation in Timor-Leste and to report on developments, as necessary.

**Decision of 20 June 2006 (5469th meeting):
resolution 1690 (2006)**

At its 5457th meeting, on 13 June 2006, the Council heard a statement by the Secretary-General and was briefed by the Special Envoy of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by Australia, Austria (on behalf of the European Union and the countries aligning themselves with the statement), Brazil, Fiji, Indonesia, Malaysia, New Zealand, the Philippines, Portugal, the Republic of Korea, Singapore and Timor-Leste. The President (Denmark) drew the attention of the Council to a letter dated 13 June 2006 from the Secretary-General addressed to the President of the Security Council,¹³⁸ transmitting a letter dated 11 June 2006 from the President, the President of the National Parliament and the Prime Minister of Timor-Leste requesting the Council to establish immediately a United Nations police force in Timor-Leste to maintain law and order in Dili and other parts of the country as necessary, until the Timorese police had undergone reorganization and restructuring to act as an independent and professional law enforcement agency.

The Secretary-General deplored the recent events in Timor-Leste, which had shown shortcomings on the part of the Timorese leadership as well as on the part of the international community in inadequately sustaining the nation-building process. He stated that it was clear that tremendous work lay ahead, but that the United Nations was determined not to abandon the Timorese people at this critical time of need. The Secretary-General noted that he had received a letter from the Government of Timor-Leste that invited the United Nations to set up an independent special inquiry commission into the incidents on 28 and 29 April and on 23, 24 and 25 May and other issues related to the crisis. He announced that he would request the United Nations High Commissioner for Human Rights to take the lead in establishing such a commission.¹³⁹

The Special Envoy of the Secretary-General, who had visited Timor-Leste from 29 May to 7 June, reported that the Council of State and Superior Council for Defence and Security of Timor-Leste had agreed on an action plan for the political leadership to address the security crisis. The President had assumed the main responsibility for defence and security in close collaboration with other senior leaders, and the Timorese leadership was working closely with the international military and police forces deployed in the country. The Special Envoy of the Secretary-General pointed out that the most serious cause of the recent unrest concerned the security sector, with political cleavages between the police and military, as well as internally in each institution. In addition, the East-West friction, as ostensibly a central factor in the crises in the army, and in the defence and police forces, was likely the most dangerous cleavage for national unity. In regard to the role the Timorese wanted the United Nations to play in the future, the Special Envoy of the Secretary-General noted the request made to the Secretary-General to assure accountability and investigate human rights violations during the recent uprisings. He also found a consensus that the United Nations should play a major role in organizing the 2007 elections and ensuring that they would be free and fair, in reviewing and ensuring restoration of the security sector and in generating international support to State institutions, as well as a desire for the United Nations to offer its good offices in fostering political and community reconciliation.¹⁴⁰

The representative of Timor-Leste held that the work of the United Nations and the international community, together with the Timorese, had taken root in the form of State institutions that had the capacity to continue operations, even at the height of the crisis. The affected areas were limited primarily to Dili, with the other 12 districts functioning normally and the border between Indonesia and Timor-Leste remaining calm. He informed the Council of the steps taken by the Government to commence an all-inclusive dialogue within two weeks, in parallel to the independent special inquiry commission which his country had requested. As for a future United Nations presence, the representative of Timor-Leste believed that UNOTIL should in due course be replaced by a United Nations-mandated peacekeeping force which should comprise a greater number of countries in the region. He

¹³⁸ S/2006/383.

¹³⁹ S/PV/5457, pp. 2-3.

¹⁴⁰ *Ibid.*, pp. 3-6.

maintained that the time frame for such a force should be long enough to enable State institutions to move beyond the fragile stage.¹⁴¹

Speakers commended the quick action of the four-country stabilization force of Australia, Malaysia, New Zealand and Portugal, while stating that stabilizing Timor-Leste would require the efforts of the whole international community, particularly the Council, to halt the violence and relaunch the national reconciliation process. They welcomed the timely humanitarian assistance provided and, in the light of more than ten thousand internally displaced persons, urged that the call for further such aid be heeded.

There was agreement among speakers that a continued United Nations presence was needed in Timor-Leste, in the areas of election assistance, rule of law, national reconciliation, the strengthening of democracy and capacity-building. However, opinions on a future international presence after the termination of UNOTIL differed. The representative of Australia believed that while an international presence in Timor-Leste would be needed for some time, the stabilization force did not need to be brought under direct United Nations mandate, as he wanted the United Nations to be free to focus on the long-term needs of Timor-Leste through a new Council-mandated mission. The new mission should be established under Chapter VII of the Charter and be mandated to facilitate political dialogue and reconciliation, restore the confidence of the people and strengthen the justice system.¹⁴² The representative of Portugal stated that the current turmoil showed the need for renewed long-term involvement by the United Nations in Timor-Leste. In defining the future mandate of the United Nations presence in Timor-Leste, he called for first and foremost listening to the views of the Timorese in order to respect Timorese ownership. He emphasized that Timor-Leste was not a failed State but that it was in a deep political crisis which was having very serious security and humanitarian repercussions.¹⁴³ Several representatives called for a thorough needs assessment, including social and economic problems, for consideration of future options.¹⁴⁴ In that regard, the representative of France

warned against premature or poorly planned withdrawal and held that one lesson learned from the recent events was the need for in-depth analysis of political problems in Timor-Leste.¹⁴⁵

Some speakers considered the deployment of a “full-fledged” or “robust” peacekeeping operation to be the appropriate response.¹⁴⁶ According to the representative of Argentina, it was increasingly clear that a continued presence of international military and, above all, police troops would be essential in the months to come, in particular with respect to the general elections to be held in 2007. He held that the Council should not rule out a priori the possibility of including military and police components in the mandate of the successor mission to UNOTIL.¹⁴⁷ The representative of the United Kingdom supported a United Nations policing and political mission,¹⁴⁸ and several representatives supported an expanded United Nations presence, including a robust police component.¹⁴⁹ While awaiting the recommendations of the Secretary-General on United Nations engagement post-UNOTIL, some representatives were in favour of a technical rollover.¹⁵⁰

At its 5469th meeting, on 20 June 2006, the Council included in its agenda a letter dated 13 June 2006 from the Secretary-General to the President of the Security Council,¹⁵¹ and a letter dated 13 June 2006 from the representative of Timor-Leste addressed to the Secretary-General.¹⁵²

¹⁴¹ Ibid., pp. 6-9.

¹⁴² Ibid., pp. 9-11.

¹⁴³ Ibid., p. 11.

¹⁴⁴ Ibid., p. 12 (New Zealand); p. 13 (Malaysia); p. 15 (United Republic of Tanzania); p. 17 (Ghana); and p. 18 (Japan).

¹⁴⁵ Ibid., p. 22.

¹⁴⁶ Ibid., pp. 13-14 (Malaysia); p. 16 (Peru); p. 26 (Brazil); and p. 30 (Singapore).

¹⁴⁷ Ibid., p. 15.

¹⁴⁸ Ibid., p. 24.

¹⁴⁹ Ibid., p. 25 (Denmark); and p. 28 (Philippines).

¹⁵⁰ Ibid., pp. 18-19 (Japan); p. 20 (China, United States); p. 24 (United Kingdom); and p. 25 (Denmark).

¹⁵¹ S/2006/383, transmitting a letter dated 11 June 2006 from the President, the President of the National Parliament and the Prime Minister of Timor-Leste addressed to the Secretary-General.

¹⁵² S/2006/391, transmitting a letter dated 8 June 2006 from the Minister for Foreign Affairs and Cooperation and Minister for Defence of Timor-Leste on the establishment of an independent special inquiry commission to review the incidents of 28 and 29 April and 23 to 25 May 2006 and other related events or issues that contributed to the crisis.

The President (Denmark) drew attention to a draft resolution,¹⁵³ which was adopted unanimously and without debate as resolution 1690 (2006),¹⁵⁴ by which the Council, *inter alia*:

Decided to extend the mandate of UNOTIL until 20 August 2006;

Requested the Secretary-General to provide to the Council by 7 August 2006 a report on the role for the United Nations in Timor-Leste following the expiration of the mandate of UNOTIL, taking into account the current situation and the need for a strengthened presence of the United Nations.

**Decision of 18 August 2006 (5514th meeting):
resolution 1703 (2006)**

On 8 August 2006, the Secretary-General submitted to the Council a report on Timor-Leste,¹⁵⁵ which presented recommendations on the future role of the United Nations in Timor-Leste. He recommended the establishment of a United Nations multidimensional, integrated mission in Timor-Leste for an initial period of 12 months, which required a strong civilian component, including a United Nations civilian police element of substantially greater strength than in UNOTIL, with the support of a small United Nations military component. The Special Representative, who would also serve as the head of mission, would liaise with the Timorese authorities and other stakeholders, international and regional organizations, international financial institutions, bilateral and multilateral donors and the diplomatic community, and provide good offices to the Timorese authorities at all levels, as required.

At its 5512th meeting, on 15 August 2006, the Council included the report of the Secretary-General in its agenda and heard a briefing by the Special Envoy of the Secretary-General for Timor-Leste. The Council also had before it the report of the Secretary-General on justice and reconciliation for Timor-Leste.¹⁵⁶ The President (Ghana) also drew attention to two communications from Timor-Leste.¹⁵⁷

¹⁵³ S/2006/414.

¹⁵⁴ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

¹⁵⁵ S/2006/628, submitted pursuant to resolution 1690 (2006).

¹⁵⁶ S/2006/580.

¹⁵⁷ S/2006/620, letter dated 4 August 2006 from the representative of Timor-Leste addressed to the President of the Council, transmitting a letter of the same date from the Prime Minister of Timor-Leste on the

Statements were made by all members of the Council, by the representatives of Australia, Brazil, Cape Verde, Cuba, Finland (on behalf of the European Union),¹⁵⁸ Indonesia, Malaysia, New Zealand, the Philippines, Portugal, Singapore and Timor-Leste,¹⁵⁹ and by the Executive Secretary of the Community of Portuguese-Speaking Countries.

Elaborating on the Secretary-General's recommendations, the Special Envoy of the Secretary-General stressed that establishment of a larger mission after successive downsizing should not be seen as a reversion to an earlier stage of United Nations engagement in Timor-Leste or the State-building process in Timor-Leste. To the contrary, the proposals were aimed at establishing a more effectively coordinated partnership between Timor-Leste and the international community, which would be Timorese-led. He indicated that the key roles to be played by such a mission were in the most crucial areas of the security sector, the administration of justice and the functioning of democratic institutions. For the first year of the mission, he foresaw that assisting and ensuring the credibility of the 2007 elections would be a central task. A review of the whole security sector was required to clarify the roles of the defence force and the police in relation to each other, together with strengthened ministries of interior and defence. He noted that the demand for accountability as part of the necessary basis for reconciliation was a strong one, and that the crucial work of the Independent Special Commission of Inquiry for Timor-Leste would provide an objective starting point to that end. He urged the Council to support the recommendations for a new mission which corresponded to the appeal of Timor-Leste's Government and people.¹⁶⁰

establishment of a new integrated United Nations peacekeeping mission in Timor-Leste; and S/2006/651, letter dated 14 August 2006 from the representative of Timor-Leste addressed to the Secretary-General, transmitting a letter dated 9 August 2006 from the Prime Minister on the executive policing authority of the United Nations.

¹⁵⁸ Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Montenegro, Norway, Republic of Moldova, Romania, Serbia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹⁵⁹ Timor-Leste was represented by its Minister for Foreign Affairs and Cooperation.

¹⁶⁰ S/PV.5512, pp. 2-4.

While welcoming a gradual return to peace, speakers stressed that the security and political situation of Timor-Leste remained fragile and noted that many challenges remained, including addressing the root causes behind the recent violence. In that connection, speakers generally supported the recommendations of the Secretary-General for a multidimensional integrated mission in Timor-Leste, noting that it was in line with the request made by the Government. They underscored the need to strengthen what had been achieved, noting that the future United Nations mission would need to be sufficiently large to effectively address such urgent issues as training of the national police and support for the 2007 elections. Many speakers welcomed the proposal by the Secretary-General for a compact between the Government of Timor-Leste and the international community to reorient the national economic plan of Timor-Leste and help to build the capacity of State and Government institutions. At the same time, speakers concurred with the Secretary-General's observation that the United Nations should fully respect the sovereignty of Timor-Leste, noting that it was essential that the process be led by the Timorese themselves. Referring to the prevailing climate of fear, some representatives expressed concern about the humanitarian situation of more than 150,000 internally displaced persons¹⁶¹ and the issue of widespread weapons which could be used in further actions of destabilization.¹⁶² The representative of the Philippines said that the new mission should serve as an early warning device to alert the Timorese to potential crises.¹⁶³

The representative of Timor-Leste concurred with the recommendations of the Secretary-General. He affirmed that the recommendations, including in relation to a small United Nations force, were important and the best option with which to face the current crisis. He expressed the view that the proposed new mission should also provide assistance in the

design of poverty reduction and economic growth policies and strategies.¹⁶⁴

While there was a broad agreement on the need for the police component in the new mission, divergent opinions were heard on how to handle its military component. Several speakers believed that having both a large police presence and a smaller military component under United Nations command were essential, as proposed by the Secretary-General, as those two elements would help to restore stability and law and order.¹⁶⁵ The representative of Japan preferred the utilization of international security forces over a military component under United Nations command, to ensure operational effectiveness.¹⁶⁶ The representative of the United Kingdom was of the view that putting in place the force-generation mandate of a United Nations force would inevitably be time-consuming and unnecessary, given the presence on the ground of the partners and the requirements for the interim.¹⁶⁷ The representative of the United States did not see a need for United Nations troops, noting that security concerns in Timor-Leste were internal and stressing that the international security force that was already in place was well-equipped, well-staffed and prepared to respond to any need for military action.¹⁶⁸ In contrast, the representative of Greece stated that bilateral arrangements were not a viable long-term solution to reinforce security.¹⁶⁹ The representative of New Zealand was comfortable with the recommendations contained in the report and held that as New Zealand was one of the contributors to the current stabilization force, it was important that the military presence in Timor-Leste, however it evolved, enjoyed broad-based support and clearly recognized international legitimacy.¹⁷⁰ The representative of Australia said that while his country was gradually drawing down its troops to the international stabilization force as conditions in Timor-Leste improved, it was nevertheless prepared to continue to provide forces for the policing and military tasks. To permit the effective

¹⁶¹ Ibid., p. 12 (Russian Federation); p. 17 (Ghana); p. 19 (Finland, on behalf of the European Union); and p. 21 (Portugal).

¹⁶² Ibid., p. 8 (China); p. 12 (Russian Federation); p. 19 (Finland, on behalf of the European Union); p. 21 (Portugal); and p. 31 (Australia).

¹⁶³ Ibid., p. 26.

¹⁶⁴ Ibid., pp. 18-19.

¹⁶⁵ Ibid., p. 7 (Congo); p. 8 (China); p. 12 (Russian Federation); p. 13 (Greece); p. 14 (Peru); p. 16 (Slovakia, Ghana); pp. 20-21 (Singapore); p. 22 (Portugal); p. 25 (Brazil); and p. 28 (Cape Verde).

¹⁶⁶ Ibid., p. 11.

¹⁶⁷ Ibid., p. 6.

¹⁶⁸ Ibid., pp. 13-14.

¹⁶⁹ Ibid., p. 13.

¹⁷⁰ Ibid., p. 30.

functioning of the forces, he stressed the preference for regional participation in such a force, providing both a rapid deployment capacity and security, and that it was important for the Council to provide the force with authority under Chapter VII.¹⁷¹ The Executive Secretary of the Community of Portuguese-Speaking Countries drew attention to the Community's adoption of a political declaration in which it had offered to assist in the establishment of a new United Nations mission in Timor-Leste, and had expressed the willingness of its members to participate in the mission.¹⁷²

As the justice sector and police had been most affected during the recent crisis, many speakers endorsed the recommendations of the Secretary-General on justice and reconciliation, including the proposed re-establishment of a capacity to investigate the serious crimes of 1999. They agreed that assistance should be provided to the Timorese to settle questions of human rights abuses and provide redress for victims.

At its 5514th meeting, on 18 August 2006, the Council again included in its agenda the report of the Secretary-General of 8 August 2006.¹⁷³ The President (Ghana) drew attention to the report of the Secretary-General on justice and reconciliation for Timor-Leste;¹⁷⁴ to a letter dated 4 August 2006 from the representative of Timor-Leste addressed to the President of the Security Council;¹⁷⁵ and to a letter dated 9 August 2006 from the representative of Timor-Leste addressed to the Secretary-General.¹⁷⁶

The President also drew the attention of the Council to a draft resolution;¹⁷⁷ it was put to the vote and adopted unanimously and without debate as resolution 1703 (2006),¹⁷⁸ by which the Council, *inter alia*:

Decided to extend the mandate of UNOTIL until 25 August 2006.

¹⁷¹ *Ibid.*, pp. 31-32.

¹⁷² *Ibid.*, pp. 32-33.

¹⁷³ S/2006/628.

¹⁷⁴ S/2006/580.

¹⁷⁵ S/2006/620.

¹⁷⁶ S/2006/651.

¹⁷⁷ S/2006/660.

¹⁷⁸ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

**Decision of 25 August 2006 (5516th meeting):
resolution 1704 (2006)**

At its 5516th meeting, on 25 August 2006, the Council again included in its agenda the report of the Secretary-General of 8 August 2006.¹⁷⁹ The President (Ghana) drew attention to the report of the Secretary-General on justice and reconciliation for Timor-Leste.¹⁸⁰ He also drew attention to a draft resolution;¹⁸¹ it was put to the vote and adopted unanimously and without debate as resolution 1704 (2006),¹⁸² by which the Council, *inter alia*:

Decided to establish a follow-on mission in Timor-Leste, the United Nations Integrated Mission in Timor-Leste (UNMIT);

Affirmed that the Council should consider possible adjustments in the Mission structure, including the nature and size of the military component, taking into account the views of the Secretary-General;

Decided that UNMIT should be headed by a Special Representative of the Secretary-General, who should direct the operations of UNMIT and coordinate all United Nations activities in Timor-Leste;

Called upon the international security forces to fully cooperate with and provide assistance to UNMIT for the implementation of the mandate;

Called upon all parties in Timor-Leste to cooperate fully in the deployment and operations of UNMIT and the international security forces.

**Decision of 22 February 2007 (5634th meeting):
resolution 1745 (2007)**

On 1 February 2007, the Secretary-General submitted his report on UNMIT for the period from 9 August 2006 to 26 January 2007,¹⁸³ in which he supported the extension of the UNMIT mandate for a period of 12 months with no major changes until after the forthcoming elections. However, to strengthen security for the critical electoral process, he supported the request by the Government that an additional formed police unit be deployed. The unit would be based in Dili to support the existing formed police units and respond specifically to possible incidents that might arise in the potentially volatile western districts

¹⁷⁹ S/2006/628.

¹⁸⁰ S/2006/580.

¹⁸¹ S/2006/686.

¹⁸² The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

¹⁸³ S/2007/50, submitted pursuant to resolution 1704 (2006).

adjacent to the capital, in particular during the pre- and post-electoral period.

At its 5628th meeting, on 12 February 2007, the Council included the report of the Secretary-General in its agenda and heard a briefing by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all members of the Council and by the representatives of Australia, Brazil, Germany (on behalf of the European Union),¹⁸⁴ Japan, New Zealand, the Philippines, Portugal, Singapore and Timor-Leste.¹⁸⁵

Noting that Timor-Leste was preparing for its first national elections since independence, the Special Representative of the Secretary-General stressed that security remained a critical element for the success of the electoral process, and that while the situation was showing some signs of improvement, it remained fragile. In that regard, he favoured the deployment of an additional formed police unit for the pre-electoral and immediate post-electoral periods. He commended the recent conclusion of the Memorandum of Understanding between the Government of Timor-Leste, the Government of Australia and the United Nations that established a Trilateral Coordination Forum to enhance security coordination in Timor-Leste. He also praised the Government of Timor-Leste for having initiated the review of the security sector and expressed the hope that the recommendations of the Independent Special Commission of Inquiry would soon be implemented. Noting that the development and the strengthening of democracy would require the continued support of the international community, the Special Representative highlighted, in particular, the recommendation of the Secretary-General to extend UNMIT for an additional 12 months.¹⁸⁶

Although the arrangement between the United Nations and the Government of Timor-Leste on public security had addressed issues of police reform, the representative of Timor-Leste requested that the Council consider deploying an additional formed police unit owing to the continuing fragile situation in Timor-Leste. He noted that his Government, supported

by the United Nations, had made security sector reform a priority. Referring to the justice sector, he noted that the system was overstretched and not prepared to deal with the current post-crisis scenario. He requested the United Nations to enhance its principal framework of assistance to respond to the immediate needs of justice delivery. Highlighting the need for a long-term commitment by the United Nations in Timor-Leste to enable lasting peace in his country, which was at a critical juncture, the representative of Timor-Leste urged the Council to extend the UNMIT mandate for another 12 months.¹⁸⁷

Speakers shared the assessment by the Secretary-General that the overall situation in Timor-Leste had improved since UNMIT had been established. However, they agreed that many challenges still remained to be faced to prevent a relapse into conflict and achieve sustainable development. They noted that the security situation remained fragile and the lack of progress in the judicial system and the fight against impunity remained a concern. Speakers stressed that it was crucial to prepare proper conditions for holding the upcoming presidential and parliamentary elections. With Timor-Leste being at a critical juncture, they shared the view that the country needed strong continued support from the international community. Speakers therefore supported the recommendation of the Secretary-General for the extension of the mandate of UNMIT for 12 months. The representative of South Africa believed that the UNMIT mandate should also be strengthened,¹⁸⁸ and many speakers explicitly supported the deployment of an additional police unit before the elections.¹⁸⁹ Stressing that viable peace could be achieved only in a secure environment, a number of speakers welcomed the establishment of the Trilateral Coordination Forum between the Government of Australia, the Government of Timor-Leste and the United Nations to enhance security activities in preparing for the elections.¹⁹⁰ Several speakers emphasized the need to build an effective Timorese national police capable of

¹⁸⁴ Albania, Bosnia and Herzegovina, Croatia, Iceland, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

¹⁸⁵ Timor-Leste was represented by its Prime Minister.

¹⁸⁶ S/PV.5628, pp. 2-5.

¹⁸⁷ *Ibid.*, pp. 5-10.

¹⁸⁸ *Ibid.*, p. 14.

¹⁸⁹ *Ibid.*, p. 17 (Indonesia); p. 18 (Panama); p. 19 (France); p. 21 (Belgium); p. 22 (Peru); p. 26 (Japan); p. 28 (Singapore; Germany, on behalf of the European Union); p. 30 (Portugal); and p. 31 (Philippines).

¹⁹⁰ *Ibid.*, p. 15 (South Africa); p. 21 (Belgium); p. 24 (Slovakia); p. 26 (Japan); p. 28 (Germany, on behalf of the European Union); p. 30 (Portugal); and p. 33 (Brazil).

addressing the security challenges, and the need for security sector reform,¹⁹¹ including the future direction and shape of the Timorese defence force. The representative of the United States expressed concern that the presence of armed soldiers of the Timorese armed forces had served to heighten the sense of insecurity among the Timorese people and urged the Government to ensure that the Timorese military assumed an appropriate profile. He noted that the United Nations police continued to have the Council's mandate to provide interim law enforcement and public security in East Timor.¹⁹²

Many delegations reaffirmed the continuing need for accountability and justice,¹⁹³ and a number of speakers supported the timely implementation of the recommendations of the Independent Special Commission of Inquiry.¹⁹⁴ The representative of the United States urged UNMIT to complete the investigation of crimes committed in the country in 1999, observing that justice delayed too long could become justice denied.¹⁹⁵ In that context, several speakers concurred with the Secretary-General that justice was an essential precondition for sustainable national reconciliation.¹⁹⁶

At its 5634th meeting¹⁹⁷ on 22 February 2007, the Council again included in its agenda the report of the Secretary-General on UNMIT.¹⁹⁸ The President (Slovakia) drew attention to a letter dated 21 December 2006 from the representative of Timor-Leste addressed to the Secretary-General.¹⁹⁹

He then drew the attention of the Council to a draft resolution;²⁰⁰ it was put to the vote and adopted unanimously and without debate as resolution 1745 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNMIT until 26 February 2008;

Decided to increase the authorized force strength of UNMIT by up to 140 police personnel;

Urged the development partners, including the United Nations agencies and multilateral financial institutions, to continue providing resources and assistance for the preparations for the upcoming elections, and other projects towards sustainable development, and called upon the international donor community to consider contributing generously towards the 2007 consolidated appeal for Timor-Leste;

Requested UNMIT fully to take into account gender considerations as a cross-cutting issue throughout its mandate, and further requested the Secretary-General to include in his reporting to the Council progress on gender mainstreaming throughout UNMIT.

**Decision of 23 May 2007 (5682nd meeting):
statement by the President**

At the 5682nd meeting, on 23 May 2007,²⁰¹ the President (United States) made a statement on behalf of the Council,²⁰² by which, the Council, *inter alia*:

Welcomed the announcement of the results of the presidential elections in Timor-Leste and congratulated Mr. Jose Ramos-Horta on his election as President, and looked forward to working with the new Government to help to build a better future for Timor-Leste;

Expressed its concern over the still fragile and volatile security, political, social and humanitarian situation in Timor-Leste; and emphasized the importance of all parties continuing to work together in a spirit of cooperation and compromise in order to consolidate progress made by Timor-Leste in recent years and to enable the country to move to a peaceful and more prosperous future;

and the Prime Minister of Timor-Leste concerning the unstable security conditions in some areas of the country, requesting that UNMIT be reinforced by an additional formed police unit from the Guarda Nacional Republicana of Portugal to ensure that the presidential and legislative elections were held in a secure and peaceful environment.

²⁰⁰ S/2007/98.

²⁰¹ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

²⁰² S/PRST/2007/14.

¹⁹¹ *Ibid.*, p. 19 (France); p. 20 (Congo); p. 22 (Peru); pp. 22-23 (United Kingdom); p. 24 (Slovakia); pp. 25-26 (Australia); p. 27 (Singapore); p. 28 (Germany, on behalf of the European Union); p. 32 (New Zealand); and p. 33 (Brazil).

¹⁹² *Ibid.*, p. 12.

¹⁹³ *Ibid.*, p. 11 (Italy, United States); p. 13 (Qatar); p. 28 (Germany, on behalf of the European Union); and p. 32 (New Zealand).

¹⁹⁴ *Ibid.*, p. 11 (United States); p. 12 (Ghana); p. 19 (France); p. 20 (Congo); p. 21 (Belgium); and pp. 21-22 (Peru).

¹⁹⁵ *Ibid.*, p. 11.

¹⁹⁶ *Ibid.*, p. 12 (Ghana); p. 19 (France); p. 21 (Belgium); p. 24 (Slovakia); and p. 30 (Portugal).

¹⁹⁷ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

¹⁹⁸ S/2007/50, submitted pursuant to resolution 1704 (2006).

¹⁹⁹ S/2006/1022, transmitting a letter from the President of Timor-Leste, the President of the National Parliament

Expressed its continued support for the work of UNMIT under the leadership of the Special Representative of the Secretary-General for Timor-Leste, Mr. Atul Khare, and encouraged UNMIT, in accordance with its mandate, to continue to cooperate and coordinate with United Nations agencies, funds and programmes, as well as all relevant partners, to support the Government of Timor-Leste.

Decision of 10 September 2007 (5740th meeting): statement by the President

On 28 August 2007, the Secretary-General submitted a report on UNMIT.²⁰³ He observed that the successful completion of presidential and parliamentary elections indicated that the efforts to overcome the 2006 crisis were making progress. He also reported that weaknesses in the judicial sector undermined public confidence in other rule-of-law institutions, including the police. UNMIT, together with other international partners, would continue to support the judicial sector, as well as other efforts to strengthen human rights and the rule-of-law. He also observed that humanitarian challenges linked to the prolonged crisis of internally displaced persons remained. For the remaining mandate period, the focus of UNMIT would begin shifting from interim law enforcement to support for police reform, restructuring and rebuilding, taking account of the prevailing law and order situation; this work would be done within the context of wider security sector reform, which would be a continuing UNMIT priority.

At its 5739th meeting, on 10 September 2007, the Council included the report of the Secretary-General in its agenda and heard a briefing by the Minister for Foreign Affairs and Cooperation of Timor-Leste. He stated that the presidential and legislative elections were the first national elections run by the Timorese, and an important assertion of their ability to exercise their independence. He emphasized that with the extensive support of UNMIT, the presence of international observers and the International Stabilization Force, the elections were peaceful, free, fair and transparent, as well as a demonstration of the people's hope, confidence and enthusiasm. Taking into serious consideration the recommendations of the Independent Electoral Certification Team, he was aware that the benchmarks underpinning the certification exercise were only partially met in some cases and expressed a commitment

²⁰³ S/2007/513, submitted pursuant to resolution 1745 (2007).

to addressing his country's shortcomings in those areas in order to improve the conduct of future elections. He stressed that fragile institutional structure was the major challenge, still in need of substantial guidance and assistance. However, he made clear that the Government of Timor-Leste remained primarily responsible for delivering assistance and protection to its people. As the consolidation of the State's institutional framework was a long and difficult process, the Minister for Foreign Affairs and Cooperation asked the Council to give consideration to the possibility of extending the UNMIT mandate until 2012. While agreeing with the Secretary-General that a mission with a peacebuilding mandate should subsequently be created and stay in place for five additional years, he stressed that a peacekeeping mission would need to be in place longer than 2010.²⁰⁴

At its 5740th meeting, on 10 September 2007,²⁰⁵ the Council again included in its agenda the report of the Secretary-General on UNMIT.²⁰⁶ The President (France) made a statement on behalf of the Council,²⁰⁷ by which the Council, *inter alia*:

Welcomed the formation of the new Government in Timor-Leste;

Emphasized the need for all parties to resolve any disputes through exclusively peaceful channels and within the framework of democratic institutions and called upon the people of Timor-Leste to refrain from violence and work together in order to ensure security;

Called upon the Government, Parliament, political parties and the people of Timor-Leste to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, sustainable social and economic development and national reconciliation in the country; reaffirmed the need for justice and accountability, and underlined the importance of the implementation of the recommendations of the Independent Special Commission of Inquiry report of 2006;

Welcomed the report of the Secretary-General on the work of UNMIT; encouraged UNMIT to continue to cooperate and coordinate with the United Nations agencies, funds and programmes as well as all relevant partners to support the Government of Timor-Leste in implementing a national development plan.

²⁰⁴ S/PV.5739, pp. 2-5.

²⁰⁵ The representative of Timor-Leste was invited to participate in the meeting but did not make a statement.

²⁰⁶ S/2007/513, submitted pursuant to resolution 1745 (2007).

²⁰⁷ S/PRST/2007/33.

24. The situation in Afghanistan

Deliberations of 15 January 2004 (4893rd meeting)

At its 4893rd meeting, on 15 January 2004, the Council included in its agenda the report of the Secretary-General dated 30 December 2003 on the situation in Afghanistan and its implications for international peace and security.¹ In his report, the Secretary-General described progress made in the implementation of the Bonn Agreement, of 5 December 2001,² including the pilot phase of the disarmament, demobilization and reintegration programme, the electoral registration on 1 December and the Constitutional Loya Jirga on 14 December. While successful implementation of those processes could move the State-building efforts in Afghanistan a good deal, he stressed that fundamental challenges, particularly the problems of insecurity, needed to be overcome if the peace process was to become irreversible and the relatively fragile institutions of the State secured. He blamed the insecurity on factional misrule in the provinces, and on the efforts of “spoilers”, including Taliban elements, loyalists of Gulbuddin Heckmatyar and possibly Al-Qaida. To address the problems, the Secretary-General urged the North Atlantic Treaty Organization (NATO) and coalition forces to take every measure possible to speed up the deployment of security assistance beyond Kabul. He also underlined the need for further reforms to broaden the representation of all sectors of Afghan society in the central Government.

The Council heard briefings by the Secretary-General and by the Special Representative of the Secretary-General for Afghanistan.³

At the outset, the Secretary-General praised as an “important and very encouraging development” the adoption of a new Constitution by the Constitutional Loya Jirga on 5 January. He said that the Constitution provided a permanent foundation for re-establishing the rule of law in Afghanistan and defined a political order through a strong presidential system of

government with a bicameral legislature. It also established a judicial system in compliance with Islam, and included provisions aimed at ensuring full respect for fundamental human rights, including equal rights for women. While congratulating the Afghan people and Government on this major accomplishment, the Secretary-General cautioned that the Constitution would not by itself guarantee peace and stability. He therefore called for immediate action by Afghans to address, with the necessary help from the international community, the impediments to the peace process, including the deeply troubling security situation, the lack of an inclusive and broadly representative Government, and the slow pace of development.⁴

The Special Representative briefed the Council on the Constitutional Loya Jirga and then discussed the challenges ahead, particularly the need for improving security, broadening the popular base of the Government, strengthening the system of governance, and increasing the pace of reconstruction and service delivery. He congratulated the Afghan people on the nearly unanimous acclamation of the new Constitution by the Constitutional Loya Jirga, which was to a large degree representative of Afghanistan. He noted with appreciation that despite the substantial extension of the Loya Jirga beyond the originally planned 10 days, the delegates proved willing to reach compromises and to make concessions in order to arrive at a text that all could accept. He believed that the new Constitution, and the process that achieved it, should be a source of pride for the people of Afghanistan. The Special Representative cautioned, however, that there was so much to be done that Afghans and the international partners could not rest long. First was the task of implementing the Constitution to give life to it. He argued that the new constitutional order would have meaning for the average Afghans only if security improved and the rule of law was strengthened. He noted with concern that the deterioration in security conditions continued at precisely the time when the peace process required the Government and the United Nations to broaden their presence in the field, complete the electoral registration and carry out other activities. He therefore stressed the need for the disarmament of factional forces, the protection of basic human rights, accelerated reconstruction and the reform of national

¹ S/2003/1212.

² Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (see S/2001/1154).

³ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

⁴ S/PV.4893, pp. 2-3.

institutions. For the international partners, the Special Representative called for accelerated deployment of provincial reconstruction teams, although he continued to believe that the teams were a “second best” to a straightforward expansion of the International Security Assistance Force (ISAF). He alerted the Council to the formidable challenges posed by the growing opium production and trafficking, which was estimated to total \$2.3 billion in 2003, or the equivalent of more than half of the country’s gross domestic product (GDP). Finally, the Special Representative drew the Council’s attention to a non-paper circulated by the United Nations Assistance Mission in Afghanistan (UNAMA), which noted that a second Bonn-type conference was one possible way to re-energize the commitment of all concerned to the peace process.⁵

**Deliberations of 24 March 2004
(4931st meeting)**

At its 4931st meeting, on 24 March 2004, the Council included in its agenda the report of the Secretary-General dated 19 March 2004 on the situation in Afghanistan and its implications for international peace and security.⁶ In his report, which focused on key developments since 31 December 2003, the Secretary-General described the path ahead in implementing the Bonn Agreement following the successful conclusion of the Constitutional Loya Jirga and the signing of the new Afghan constitution. He noted that one of the key challenges ahead would be the holding of elections, and described the status of the voter registration project and the main issues involved in deciding on the timing and types of elections to be held in 2004. The Secretary-General cautioned that security remained a significant problem, and reported on a number of initiatives to improve security, such as the expansion of the International Security Assistance Force, the deployment of additional provincial reconstruction teams, and accelerated efforts to build an Afghan army and police force. He also emphasized that more progress was needed to disarm, demobilize and reintegrate former combatants. The Secretary-General recommended that the mandate of UNAMA be renewed for further a 12 months. Noting the ongoing consultations on the role of the United Nations after the completion of the Bonn process, he expressed his

intention to submit his recommendations on the details of the Mission’s new mandate after the upcoming conference to be held in Berlin on 31 March and 1 April 2004, and once the decision on the holding of elections had been taken.

The Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations,⁷ who reported on the challenges remaining to implement the Bonn process and the measures for the further transition of Afghanistan towards stability and effective governance. The Assistant Secretary-General noted with appreciation that the process had now reached one of its last major benchmarks: the holding of free and fair elections to confer political legitimacy on the new Government. Noting that the new Constitution required elections for the presidency as well as the upper and lower houses of the national assembly, he expressed the hope that a decision would be made on the timing and sequence of those elections “in the very near future”, before the Berlin conference. While understanding the need to hold elections as close as possible to the Bonn time frame, he emphasized that the conditions must be conducive and the preparations thorough. He reported that the first phase of the voter registration process, which covered eight main cities, had progressed more or less on target, and that preparations were being made to launch the second phase to register the remaining 8 million eligible voters in the provinces.

The Assistant Secretary-General stressed that success in completing the registration and in holding elections would depend on support from Afghan and international security forces, and welcomed the deployment of additional provincial reconstruction teams, particularly in the south. Citing the recent fighting in Herat, he expressed concern about the precarious security situation even in areas that most observers believed were stable and safe. He warned that without significant demilitarization, genuine political choice, as required for a credible election, was simply impossible and events such as those in Herat were likely to occur. The Assistant Secretary-General noted with concern that the impact of Afghanistan’s economic growth during the past two years had largely been felt in the urban centres alone and that the trend had prompted a demographic shift from rural areas to the cities,

⁵ Ibid., pp. 3-9.

⁶ S/2004/230, submitted pursuant to resolution 1471 (2003).

⁷ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

exacerbating social tensions in urban centres. Also of concern was the drug economy and the instability that it promoted, which remained the greatest threat to the development of a stable functioning State. He concluded by expressing the hope that the Council would endorse the recommendation of the Secretary-General that the mandate of UNAMA be extended for a further 12 months.⁸

**Decision of 26 March 2004 (4937th meeting):
resolution 1536 (2004)**

At its 4937th meeting, on 26 March 2004, the Council again included in its agenda the report of the Secretary-General dated 19 March 2004 on the situation in Afghanistan and its implications for international peace and security.⁹ The representative of Afghanistan was invited to participate in the discussion. The President of the Council (France) then drew the attention of the Council to a draft resolution;¹⁰ it was adopted unanimously and without debate as resolution 1536 (2004), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMA for an additional period of 12 months;

Stressed the importance of the provision of sufficient security and of significant donor support for the holding of credible national elections in accordance with the Afghan Constitution and the Bonn Agreement;

Welcomed the progress made since the commencement of the disarmament, demobilization and reintegration process in October 2003 and the contribution of the International Observer Group in this regard;

Welcomed the efforts to date of the Afghan authorities to implement their National Drug Control Strategy;

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 new Afghan Constitution;

Called upon all Afghan parties to cooperate with UNAMA in the implementation of its mandate and to ensure the security and freedom of movement of its staff throughout the country.

⁸ S/PV.4931, pp. 2-6.

⁹ S/2004/230.

¹⁰ S/2004/249.

**Decision of 6 April 2004 (4941st meeting):
statement by the President**

At its 4941st meeting, on 6 April 2004, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations. All Council members made statements, as did the representatives of Afghanistan, India, Ireland (on behalf of the European Union),¹¹ and Japan.

At the outset, the Under-Secretary-General for Peacekeeping Operations reported on the achievements of the Berlin conference and what lay ahead in terms of capitalizing on the momentum gained in Berlin to complete the Bonn process. He noted with appreciation that the conference had approved a comprehensive workplan, which provided clear benchmarks and targets to be met in the political, security and economic spheres over the coming months and years. A strong framework for regional cooperation in countering narcotics by Afghanistan and its neighbours had also been agreed to in Berlin. While praising those achievements as truly impressive, the Under-Secretary-General for Peacekeeping Operations cautioned that the tasks still facing Afghanistan remained daunting, especially the holding of national elections. He underlined the need to ensure security, maintaining that without substantial improvements in the security situation, the elections would be threatened. He noted that the vast majority of Afghans remained convinced that elections required prior disarmament. It was therefore vital to achieve the goal of the disarmament, demobilization and reintegration efforts set in the workplan, which called for the completion of the disarmament, demobilization and reintegration programmes for 40 per cent of current militia and the cantonment of all heavy weapons by June 2004. The Under-Secretary-General also underscored the need for adequate international security assistance to support the electoral process and protect it from both factional threats and attempts to simply terminate it. He noted with concern that despite the progress made in training the new Afghan national army, the Afghan and international security forces currently deployed in Afghanistan had limited capacity and they would be

¹¹ Albania, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

overextended if they had to assume the immense task of supporting a credible election process.¹²

The representative of Germany briefed the Council on the outcome of the conference entitled “Afghanistan and the International Community — a Partnership for the Future”, which was held in Berlin on 31 March and 1 April 2004. He noted that the presence at the conference of 65 delegations — many at the level of foreign minister — underlined the continued international commitment to creating a secure, stable, free, prosperous and democratic Afghanistan. He explained the three final documents adopted at the conference: the Berlin declaration, which described the vision of the future new Afghan Government; the workplan, which showed how the Afghan Government wanted to approach that vision in the coming two years; and the progress report, which summarized the implementation status of the Bonn Agreement. In addition, the Berlin Declaration on Counter-Narcotics was adopted between Afghanistan and its neighbours. He said that the Government of Afghanistan had committed itself to an ambitious timetable for the disarmament of militias, as a significant condition for free and fair elections. He stated that the remarkable results of the conference deserved an explicit acknowledgement and endorsement by the Council. For that purpose, he noted that his delegation had initiated negotiations with Council members and other countries concerned to come up with the consensus text of a Presidential statement.¹³

Most speakers welcomed the achievements made at the Berlin conference, and commended Germany and Afghanistan on their successful co-chairmanship for the conference. They reaffirmed their commitment to further support Afghanistan with a view to completing the implementation of the Bonn Agreement, which was essential to achieving a stable and democratic Afghanistan.

The representative of Brazil agreed that the expansion of international peacekeeping forces throughout Afghanistan would bolster security in the country.¹⁴ The representative of the United States considered that the success of the Berlin conference was a very hopeful sign for those in the international

community who worried that interest was flagging and that donor fatigue was setting in.¹⁵ The representative of Pakistan hoped that the spirit of Berlin did not flag or diminish over time, underlining the fact that Afghanistan would need years, if not decades, of political and economic support and engagement.¹⁶ The representative of Algeria stated that the announcement of the additional pledges and the confirmation of contributions in the areas of security and of preparations for elections were vital for the reconstruction of Afghanistan.¹⁷

The representative of the Russian Federation expressed concern with the “growing subversive activities of the Taliban and other extremist forces” which were seeking to plunge the country into bloody inter-ethnic enmity and to prevent the holding of the general elections.¹⁸ The representative of the United Kingdom stressed the need to carry out disarmament, demobilization and reintegration before the elections, as security remained critical for continued progress, adding that enhanced security was not only a requirement for the success of reconstruction efforts, but also a precondition for democratic, fair and peaceful elections in September.¹⁹ Welcoming the success of the Berlin conference, the representative of France urged the international community to focus on the common political objective of the proper conduct of elections.²⁰ The representative of Afghanistan expressed appreciation to the co-chairs of the Berlin conference as well as to the 65 countries and international organizations that had participated in the conference, and reiterated his Government’s full commitment to meeting the guidelines of the Bonn Agreement.²¹

The President (Germany) made a statement on behalf of the Council,²² by which the Council, *inter alia*:

Endorsed the Berlin Declaration and stresses the relevance of the Work Plan of the Afghan Government, the Progress Report on the Implementation of the Bonn Agreement

¹² S/PV.4941, pp. 2-4.

¹³ *Ibid.*, pp. 4-6.

¹⁴ *Ibid.*, pp. 6-7.

¹⁵ *Ibid.*, pp. 7-8.

¹⁶ *Ibid.*, pp. 9-10.

¹⁷ *Ibid.*, pp. 11-12.

¹⁸ *Ibid.*, pp. 15-16.

¹⁹ *Ibid.*, pp. 16-17.

²⁰ *Ibid.*, pp. 17-18.

²¹ *Ibid.*, pp. 19-20.

²² S/PRST/2004/9.

and the Berlin Declaration on Counter-Narcotics, annexed to the Berlin Declaration;

Stressed that opium poppy cultivation, drug production and trafficking pose a serious threat to the rule of law and development in Afghanistan as well as to international security, and that therefore Afghanistan and the international community shall endeavour to reduce and eventually eliminate this threat, including through the development of economic alternatives;

Welcomed, in particular, the Berlin Declaration on Counter-Narcotics within the framework of the Declaration on Good-neighbourly Relations, signed in Kabul by Afghanistan and its neighbours, as well as the planned Conference on Regional Police Cooperation to be held in Doha on 18 and 19 May 2004.

Deliberations of 27 May 2004 (4979th meeting)

At its 4979th meeting, on 27 May 2004, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA.²³

The Special Representative focused his briefing on the main challenges confronting Afghanistan in the preparation of the national elections in September. He noted with concern that with the spring surge in extremists' attacks, the security situation had deteriorated in recent months in high-risk provinces, particularly in the south. He said that while the aid community continued to keep a low profile in insecure areas in order to reduce its vulnerability, the expanding voter registration process had been affected by the increase in attacks. Despite increased violence, he said that preparations for the elections had been made, as voter registration was now pushing into the rural areas in close coordination with the coalition forces. Upon completion of voter registration in the eight major population centres, he said that the process had entered its second and final phase, which was to cover the rest of the country in the next couple of months. The second phase started with 160 sites in early May and had now expanded to almost 600 sites in 31 of the 34 provinces, with more than 1,000 registration teams operating simultaneously. However, he expressed concern that the lack of security could lead to under-registration in the southern and south-eastern provinces. Another challenge related to the determination of the population figures themselves, owing to insecurity in some provinces. He said that it was now quite likely that some provinces would not be surveyed, or only very partially.

²³ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

For the holding of free and fair elections, the Special Representative emphasized the importance of the disarmament, demobilization and reintegration of former combatants, maintaining that a genuine exercise in electoral choice could take place only if the grip of local militias on the political process was loosened. He reported that the Government and the international community had reached an agreement on the main phase of disarmament, demobilization and reintegration, which was to include, by June, 40 per cent of the militia forces and, by July, the full cantonment of heavy weapons under a reliable safekeeping arrangement. However, he noted with concern that the implementation of the agreement had encountered serious delays owing to the reluctance of some senior commanders. He therefore reiterated the need for a widespread, robust international military presence in support of domestic security forces.²⁴

Decision of 15 July 2004 (5004th meeting): statement by the President

At its 5004th meeting, on 15 July 2004, the Council extended an invitation to the representative of Afghanistan to participate in the discussion. The President (Romania) then made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Called upon the Afghan Government and the international community to maintain and intensify, ahead of the presidential and parliamentary elections, their efforts to strengthen the national army and national police, to accelerate the disarmament, demobilization and reintegration process, and to support the Afghan Government in its strategy to eliminate opium production;

Encouraged Afghan authorities to enable an electoral process to provide for voter participation that was representative of the national demographics, including women and refugees, and in this regard calls for the determination of practical modalities for the registration and participation of the Afghan refugees in Iran and Pakistan in the ongoing Afghan electoral process;

Stressed the importance of providing the necessary funding for the timely implementation of the Joint Electoral Management Body timetables;

Reaffirmed its full support for the Special Representative of the Secretary-General and UNAMA, and reiterated the central and impartial role of the United Nations in the international efforts to assist the Afghan people in consolidating peace in Afghanistan and rebuilding their country.

²⁴ S/PV.4979, pp. 2-7.

²⁵ S/PRST/2004/25.

**Deliberations of 25 August 2004
(5025th meeting)**

At its 5025th meeting, on 25 August 2004, the Council included in its agenda the report of the Secretary-General dated 12 August 2004 on the situation in Afghanistan and its implications for international peace and security.²⁶ In his report, the Secretary-General stated that the Joint Electoral Management Body had taken the decision to hold presidential elections in October and postpone parliamentary elections until April 2005, as some of the potential impediments to the simultaneous conduct of those elections, particularly the difficulty of allocating parliamentary seats among the provinces in the absence of convincing census data, had proven to be insurmountable. He also noted a heightening challenge posed by the three main threats to the consolidation of peace and stability in Afghanistan, namely, extremist violence, factionalism and the narcotics industry. Against this background, he underlined once again the vital importance of security assistance to the country.

The Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA. In addition to all Council members, statements were made by the representatives of Afghanistan, Canada, Iceland, Japan, the Netherlands (on behalf of the European Union)²⁷ and Uzbekistan.

At the outset, the Special Representative reported that voter registration had been completed with a total of 10.5 million people registered, over 41 per cent of whom were women. This enabled the electoral authorities and the security forces to make appropriate preparations for the presidential election on 9 October, which had the potential to create political legitimacy for the post-war order. However, he said that the picture was not entirely satisfactory. For instance, he noted that it had proved very difficult to redress the cases of imbalance in the areas of the south most affected by insecurity. For the forthcoming election, he stressed that security was a major consideration and called for additional effort with regard to the security of voters and electoral staff. He reassured the Council

that during the period of electoral campaigning, the Afghan Independent Human Rights Commission and UNAMA would continue to jointly undertake the nationwide verification of political rights, with a view to ascertaining whether the rights and obligations of candidates were observed.²⁸

Speakers agreed on the importance of the presidential election and reaffirmed their commitment to assisting in ensuring the free and fair selection of a president by the Afghan people, which was indispensable for the maintenance of the political legitimacy of the peace process. Many of them commended the courage of the over 10 million Afghans who had decided to register to vote despite the threats of intimidation and violence, and particularly welcomed the over 4 million women who had chosen to take part in the political process. However, they shared concerns regarding the lack of security and called for accelerated disarmament, demobilization and reintegration of former combatants as well as training of the new Afghan security forces.

The representative of the United States urged Pakistan and Iran to move forward in tandem on out-of-country registration and voting so that the over 600,000 Afghans in Pakistan and the over 800,000 Afghans in Iran could take part in the electoral process. She noted with appreciation that by September, the International Security Assistance Force would assume the leadership of five provincial reconstruction teams in the north and north-east of the country.²⁹ The representative of Germany maintained that the additional time gained due to the postponement of the parliamentary election should be used to improve the security situation and underscored the importance of the security sector reform, including the establishment of a functioning judicial system and national army and police forces.³⁰ The representative of Brazil called for a thorough process of disarmament, demobilization and reintegration in order to improve the security situation and to reduce the power of warlords and terrorists.³¹

The representative of Pakistan remained concerned about insufficient registration in the south and south-eastern Afghanistan due to the lack of security. He stated that the threats to Afghanistan's

²⁶ S/2004/634, submitted pursuant to resolution 1536 (2004).

²⁷ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

²⁸ S/PV.5025, pp. 2-5.

²⁹ *Ibid.*, p. 6.

³⁰ *Ibid.*, pp. 6-7.

³¹ *Ibid.*, pp. 9-11.

security lay inside Afghanistan, mainly from faction leaders, criminal lords and extremists, including Al-Qaida and the Taliban. He noted the agreement at the North Atlantic Treaty Organization (NATO) summit, held in Istanbul, to expand the International Security Assistance Force, but stressed that the momentum behind expansion of the Force must not be lost and that NATO must now push on into the west of the country.³² The representative of China called for “firm measures” against terrorism, factionalism and problems related to narcotics in order to improve the security situation.³³ The representative of the Russian Federation warned once again against a renewal of the Taliban’s military and political potential, the continuing infiltration of fighters into Afghanistan and the emergence of a neo-Taliban faction, and called for accelerated implementation of disarmament, demobilization and reintegration throughout the country.³⁴

While appreciating the progress made in preparations for the elections, the representative of Afghanistan noted with concern that attempts to destabilize the situation by Al-Qaida and Taliban groups continued, particularly along the eastern and southern borders of the country. He alleged that those elements had their network support in “certain politico-religious circles outside Afghanistan”.³⁵

The representative of the Netherlands stated that the European Community commended the Joint Electoral Management Body’s “tremendous achievement” with the registration of nearly all eligible voters, and underlined the need to rebuild the Afghan army and intensify the disarmament, demobilization and reintegration process.³⁶

At the conclusion of the meeting, the Special Representative added that while he did not dispute in any way that the Taliban had assets and resources in Afghanistan itself, among the tools that the extremist forces had at their disposal were cross-border operations and infiltration, which had been used to attack the peace process.³⁷ In rebuttal, the representative of Pakistan reiterated that it was not

primarily cross-border infiltration that was resulting in the extremist violence in Afghanistan, including in the south and south-east. He added that his country was doing everything it could and had been taking many political risks and suffering many military casualties.³⁸

Decision of 17 September 2004 (5038th meeting): resolution 1563 (2004)

At the 5038th meeting, on 17 September 2004, in which the representative of Afghanistan was invited to participate, the President (Spain) drew the attention of the Council to a draft resolution;³⁹ it was adopted unanimously and without debate as resolution 1563 (2004), by which the Council, inter alia:

Decided to extend the authorization of the International Security Assistance Force in Afghanistan for a period of 12 months beyond 13 October, 2004;

Authorized the Member States participating in the Force to take all necessary measures to fulfil its mandate;

Called upon the Force to continue to work in close consultation with the Afghan Transitional Administration and its successors and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom Coalition in the implementation of the mandate of the Force.

Deliberations of 28 September and 12 October 2004 (5045th and 5055th meetings)

At its 5045th meeting, on 28 September 2004, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations.⁴⁰

The Under-Secretary-General for Peacekeeping Operations updated the Council on the preparations for the presidential election, which would take place for the first time in the history of Afghanistan. He reported that the logistical preparations were on track for the 9 October polling date, with all regional and provincial offices submitting operational plans. Eighteen presidential and 36 vice-presidential candidates, including three women, had been campaigning since the official start of the campaign on 7 September. He said that, with a view to improving the political environment, the Afghan Independent Human Rights Commission and UNAMA continued to monitor and report on the exercise of political rights throughout the

³² Ibid., pp. 14-16.

³³ Ibid., pp. 18-19.

³⁴ Ibid., pp. 22-23.

³⁵ Ibid., pp. 23-24.

³⁶ Ibid., pp. 24-25.

³⁷ Ibid., pp. 30-31.

³⁸ Ibid., pp. 31-32.

³⁹ S/2004/742.

⁴⁰ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

country. The preparations for out-of-country elections were also on track. He reported that the election security plan, which had been developed by the Joint Electoral Management Body, included securing polling sites and counting centres, as well as the movement of personnel and sensitive material such as blank and filled ballots. The national police would provide security for the areas around the sites and the International Security Assistance Force or the coalition would provide “outer-ring support”. He added that considerable efforts were being made to define with tribal and community leaders their crucial role in local security arrangements, particularly in the east, south-east and south. He called on the Afghans and the international community to work in concert to ensure successful holding of the election, which would represent a significant step along Afghanistan’s path to democracy.⁴¹

At its 5055th meeting, on 12 October 2004, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations.⁴²

The Assistant Secretary-General for Peacekeeping Operations briefed the Council on the conduct of the presidential election held on 9 October. He praised the election as a well-run operation, given the constraints of geography and security. Almost every polling station was opened on time, with polling staff acting professionally. He said that the reports the United Nations had received so far from the field reflected a “high-level of popular satisfaction with the conduct of the polling”. He reported that initial estimates indicated a high turnout, despite poor weather conditions and a call by opposition candidates for a boycott. He said that after the election, a number of candidates had called for investigation into alleged irregularities. A three-member panel had been established to fully investigate the allegations and present recommendations to the Joint Electoral Management Body. He reported that security conditions on election day had greatly exceeded expectations, despite some incidents and reported intimidations. He noted that an important element in enhancing the credibility of the election was the presence of 5,321 Afghan and 121 international observers, who were in Afghanistan on the polling day. He also noted that the political momentum generated

⁴¹ S/PV.5045, pp. 2-5.

⁴² The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

by the electoral process had had an evident effect on the demobilization of soldiers as well as on the defactionalization of military forces. However, he concluded his briefing by cautioning against complacency and reminding the Council of the remaining difficult challenges which lay ahead.⁴³

**Decision of 12 October 2004 (5056th meeting):
statement by the President**

At the 5056th meeting, on 12 October 2004, in which the representative of Afghanistan was invited to participate, the President (United Kingdom) made a statement on behalf of the Council,⁴⁴ by which the Council, *inter alia*:

Welcomed the presidential election that took place on 9 October 2004 in Afghanistan, stressed its historic importance as a milestone in the political process, and congratulated the millions of Afghan voters who participated;

Urged the Government of Afghanistan, with the help of the international community, to continue to confront the challenges that remain in Afghanistan, including security, timely preparation of the parliamentary elections in April 2005, the reconstruction of institutions, the fight against narcotics, and the disarmament, demobilization and reintegration of Afghan militias;

Pledged its continued support for the Government and people of a sovereign Afghanistan as they rebuild their country, strengthen the foundations of constitutional democracy, and assume their rightful place in the community of nations, and called upon the international community, with the United Nations in a central role, to support them in these efforts.

**Deliberations of 9 November 2004
(5073rd meeting)**

At its 5073rd meeting, on 9 November 2004, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations.⁴⁵

The Under-Secretary-General for Peacekeeping Operations updated the Council on the electoral process that had led to the certification of the official electoral results on 3 November by the Joint Electoral Management Body.⁴⁶ He reported that, in all, approximately 8,128,940 ballots had been cast, representing 70 per cent of the registered voters, of whom 40 per cent were women. He said that the Joint

⁴³ S/PV.5055, pp. 2-5.

⁴⁴ S/PRST/2004/35.

⁴⁵ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

⁴⁶ S/PV.5073, pp. 2-5.

Electoral Management Body had declared that Hamid Karzai had secured an outright majority of 55.4 per cent of the vote, against Yonus Qanooni with 16.3 per cent, Haji Mohaqeq with 11.6 per cent and Abdul Dostum with 10 per cent. He observed that ethnic considerations appeared to have played an important role in determining people's votes, with electoral support for the four main contenders strongly correlating with the areas where Pashtuns, Tajiks, Hazaras and Uzbeks were respectively the majority groups. With the completion of the presidential election, he said that attention had now shifted to the post-election political phase, including the immediate task of forming the next Government and the challenges of parliamentary and local elections. He noted that security remained a significant concern, with a suicide bombing in Kabul on 23 October signalling the end of the period of relative calm that had prevailed during the election.

In regard to the parliamentary and local elections, he mentioned five essential issues that had to be resolved in order to hold those elections within the time frame prescribed by the electoral law: first, boundaries of districts must be officially delimited; second, population figures must be agreed upon for the assignment of parliamentary seats; third, the voters' list must be analysed, refined and, in some cases, updated, in order to prepare specific voter lists for each polling station; fourth, a complaint mechanism and an electoral offence prosecution system must be developed at the local level; and fifth, the qualifications of thousands of potential candidates must be vetted prior to their registration. He noted with concern that the influence of local commanders, the widespread and tangled web of narcotics and arms and the absence of an efficient local civil administration continued to constitute serious obstacles to holding legitimate elections, reiterating that the expansion of the formal security apparatus would obviously be key to the success of the elections. He urged the international community not to diminish its attention to Afghanistan, which still needed full international backing in the new phase of local and legislative elections under way.⁴⁷

Deliberations of 10 January and 22 March 2005 (5108th and 5145th meetings)

At its 5108th meeting, on 10 January 2005, and its 5145th meeting, on 22 March 2005, the Council

⁴⁷ Ibid.

heard briefings by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA.⁴⁸

The Special Representative stated that the presidential election and the recent appointment of the Cabinet had brought with them new momentum in the Afghan peace process. The composition of the 27-member Cabinet did indeed meet the requirements of the Afghan constitution and also reflected broadly the ethnic composition of the country, with 10 Pashtuns, eight Tajiks, five Hazaras, two Uzbeks, one Turkmen and one Baloch. There were also three women. Looking ahead to the challenges that the new Cabinet would have to meet, the Special Representative noted in particular the upcoming parliamentary elections and the establishment of the Independent Electoral Commission. Among other challenges, he noted that disarmament, demobilization and reintegration efforts had been a key consideration in deciding on the date and modalities of the elections. Disarmament, demobilization and reintegration had been particularly successful in northern Afghanistan and had focused so far only on militia forces formally affiliated with the Ministry of Defence. While that programme was progressing well, a large number of irregular forces continued to exist, some of which were among the main sources of insecurity and abuses in parts of the country. He hoped that further disarmament, demobilization and reintegration would create a better environment for both the elections and the restoration of the rule of law.⁴⁹

At its 5145th meeting, on 22 March 2005, the Council included in its agenda the report of the Secretary-General dated 18 March 2005 on the situation in Afghanistan and its implications for international peace and security.⁵⁰ In his report, the Secretary-General described the myriad challenges facing Afghanistan, touching on the overall security situation, the organization of the upcoming parliamentary elections, disarmament, demobilization and reintegration and rule-of-law programmes. He observed that there would continue to be a need for an extended presence of international forces and the need to overcome bottlenecks in reconstruction, among

⁴⁸ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

⁴⁹ S/PV.5108, pp. 2-7, and S/PV.5145, pp. 2-4.

⁵⁰ S/2005/183, submitted pursuant to resolution 1536 (2004).

other challenges. He also indicated his intention to submit a proposal for the post-election mandate of UNAMA, but recommended that the Council extend the current mandate of the Mission for 12 months in the meantime.

**Decision of 24 March 2005 (5148th meeting):
resolution 1589 (2005)**

At its 5148th meeting, on 24 March 2005, the Council again included in its agenda the report of the Secretary-General dated 18 March 2005 on the situation in Afghanistan and its implications for international peace and security.⁵¹ The President (Brazil) drew attention to a draft resolution;⁵² it was put to the vote and adopted unanimously as resolution 1589 (2005), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMA for an additional period of 12 months from the date of adoption of the resolution;

Called upon UNAMA to continue to provide necessary support in order to facilitate timely elections with the broadest possible participation, and urged the donor community to promptly make available the necessary financial support based on that framework, in close coordination with the Government of Afghanistan and UNAMA, and to consider contributing to electoral observer missions;

Urged the Government to take decisive action to stop the processing and trade of drugs and to pursue the specific measures set out in that plan in the fields of: building institutions; information campaigns; alternative livelihoods; interdiction and law enforcement; criminal justice, eradication; demand reduction and treatment of addicts; and regional cooperation, and called upon the international community to provide every possible assistance to the Government in pursuing full implementation of all aspects of the plan;

Called for full respect for human rights and international humanitarian law throughout Afghanistan;

Called upon the Government of Afghanistan to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade;

Requested the Secretary-General to report to the Council in a timely manner on developments in Afghanistan, and to make recommendations on the future role of UNAMA, after the parliamentary elections.

⁵¹ *Ibid.*

⁵² S/2005/195.

Deliberations of 24 June 2005 (5215th meeting)

At its 5215th meeting, on 24 June 2005, the Council heard briefings by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA and the Executive Director of the United Nations Office on Drugs and Crime (UNODC).⁵³

The Special Representative began by noting negative developments in the security situation, including an increase in the number and gravity of incidents in several provinces, which included the assassinations of a number of moderate religious leaders. The worsening security also had an impact on the preparations for the electoral process, and several electoral employees had been killed. While some of the violence could be attributed to drugs, local rivalry and criminal acts, the current offensive by extremist groups, including the Taliban, had been decisive in the escalation. He argued that the international response to the Taliban's attempt to destabilize the political environment could not be limited to combat operations, but it was necessary to attack the financing for fundamentalist elements, their safe havens and the networks that supported them. However, there had been positive steps, particularly the deployment of the electoral administration countrywide, the creation of the Electoral Complaints Commission and the start of nominations for candidates. In that context, he noted that measures still needed to be taken to prevent intimidation and to reassure the majority of candidates and the population at large that they could vote in September without the risk of reprisals. As the demobilization of former army units was wrapping up, the focus of disarmament, demobilization and reintegration would shift to illegal armed groups. Finally, he pointed out that the political transition was too far ahead of the building of the State, and of economic reconstruction.⁵⁴

The Executive Director of UNODC explained that while opium cultivation in Afghanistan would decline, the total area under cultivation would still be enormous. The decrease in cultivation was partly due to the eradication campaign and partly due to self-restraint by farmers and the impact of the Government persuasion campaign. However, he noted that drug traffickers and warlords controlled quasi-military organizations that needed to be met with corresponding force. There was

⁵³ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

⁵⁴ S/PV.5215, pp. 2-6.

therefore a need for more collaboration between counter-narcotics and counter-insurgency forces. Finally, he stressed that it was impossible to oppose the narco-industry without strengthening the rule of law.⁵⁵

Decision of 23 August 2005 (5249th meeting): statement by the President

At its 5249th meeting, on 23 August 2005, the Council included in its agenda the report of the Secretary-General dated 12 August 2005 on the situation in Afghanistan and its implications for international peace and security.⁵⁶ In his report, the Secretary-General noted that the benchmarks set out in the political agenda of the Bonn Agreement of 5 December 2001 would be met with the holding of parliamentary (or Wolesi Jirga) and provincial council elections on 18 September 2005. He noted that preparations for the elections were on track. Although significant gains had been made in meeting the objectives of the political agenda, the implementation of the institutional agenda of the Bonn Agreement had been uneven, and many critical State institutions at both the national and provincial levels remained weak and susceptible to corruption. He stated that efforts to reform security sector institutions had enjoyed varying degrees of success, and that the Afghan National Army would reach its target strength of 43,000 by September 2007, three years ahead of schedule. Finally, he emphasized that the security situation in Afghanistan continued to be of paramount concern, with an increase in the sophistication of weapons used and in the type of attacks being carried out by insurgents and anti-Government elements, especially in the south and parts of the east of the country.

The Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA, following which statements were made by all members of the Council⁵⁷ and the representatives of Afghanistan, Canada, Germany, India, the Islamic Republic of Iran, Italy, Malaysia, Pakistan, the Republic of Korea, Spain and Turkey.

In his briefing, the Special Representative informed the Council that the electoral campaign had been launched as of 17 August and was being monitored

by international observers. The polling would take place on 18 September and the plan was for the inauguration of the new National Assembly before the end of the year. On the security front, attacks had resumed with increased intensity in the south, south-east and east. However, attacks against the electoral process had been mostly indirect, which indicated that the extremists had decided to target pro-Government and international forces rather than try to stop the parliamentary elections.⁵⁸

In their statements, speakers welcomed the progress in preparations for the election, but expressed concern at the security problems and the wave of violence. There were also concerns raised over the challenges of fighting poppy cultivation and the drug trade. A number of speakers welcomed the economic progress that had been made, but also stressed that only sustainable socioeconomic development would guarantee lasting peace and prosperity. Several speakers emphasized that the United Nations presence needed to continue beyond March 2006.

The representative of the Russian Federation noted that while national reconciliation was crucial, the process needed to take place on the basis of a cautious and responsible approach, without creeping erosion of the sanctions regime. He stated that persons included on the sanctions list posed a real threat to peace and security and their involvement in active political life could lead to dire consequences. Specific action needed to be taken to counter that trend, particularly in the context of the upcoming elections.⁵⁹

The representative of Afghanistan stated that his country expected to see the international community play a role in ensuring the security of Afghanistan during the post-Bonn period and welcomed United Nations authorization of that continued role. The representative of the Philippines expressed the view that given the worsening security situation, the planned expansion of the International Security Assistance Force be pursued urgently.⁶⁰

The representative of Pakistan noted that as his country's troop strength on the border was higher than the combined strength of the national and international military presence within Afghanistan, they were disappointed that their great efforts had not been

⁵⁵ *Ibid.*, pp. 6-8.

⁵⁶ S/2005/525, submitted pursuant to resolution 1589 (2005).

⁵⁷ The representative of the United Kingdom spoke on behalf of the European Union and aligned countries.

⁵⁸ S/PV.5249 and Corr.1, pp. 2-5.

⁵⁹ *Ibid.*, p. 8.

⁶⁰ *Ibid.*, p. 12.

mentioned in the report of the Secretary-General. He stressed that those who raised doubts about Pakistan's commitment to peace and security, often by exaggerating the threat of cross-border movements, were either finding excuses for their own failure or trying to poison relations between Pakistan and Afghanistan.⁶¹

The President (Japan) then made a statement on behalf of the Council,⁶² by which the Council, *inter alia*:

Welcomed the progress in the preparations for the parliamentary (Wolesi Jirga) and provincial council elections scheduled for 18 September 2005; and called upon the international community to extend additional financial assistance in order to fill the gap for these elections;

Expressed grave concern about the increased attacks by the Taliban, Al-Qaida and other extremist groups in Afghanistan over the past few months; and condemned the attempts to disrupt the political process by terrorist acts or other forms of violence in Afghanistan;

Stressed the importance of continued cooperation and increased dialogue between neighbouring States and the Government of Afghanistan to promote regional development and the long-term peace and stability of Afghanistan;

Expressed its strong view that the international community must maintain a high level of commitment to assist Afghanistan in addressing its remaining challenges.

**Decision of 13 September 2005
(5260th meeting): resolution 1623 (2005)**

At the 5260th meeting,⁶³ on 13 September 2005, the President (Philippines) drew the attention of the Council to a draft resolution;⁶⁴ it was put to the vote and adopted unanimously as resolution 1623 (2005), by which the Council, *inter alia*:

Decided to extend the authorization of the International Security Assistance Force, as defined in resolutions 1386 (2001) and 1510 (2003), for a period of 12 months beyond 13 October 2005;

Authorized the Member States participating in the Force to take all necessary measures to fulfil its mandate;

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 the implementation of its mandate to the Council through the Secretary-General.

**Decision of 23 November 2005 (5309th meeting):
statement by the President**

At the 5309th meeting, on 23 November 2005, the representative of Afghanistan was invited to participate in the discussion. The President (Russian Federation) made a statement on behalf of the Council,⁶⁵ by which the Council, *inter alia*:

Congratulated the people of Afghanistan on the confirmation of the final results of the parliamentary and provincial council elections;

Commended all Afghans for having taken this step and called on them, and, in particular, the representatives-elect and other former candidates, to remain fully committed to peace, the Constitution, the rule of law and democracy in Afghanistan;

Reaffirmed the importance for the international community to maintain a high level of commitment to assisting Afghanistan in addressing its remaining challenges;

Supported the central and impartial role the United Nations continued to play for the consolidation of peace and stability in Afghanistan and coordination of the relevant international efforts and welcomed consultations initiated by the Government of Afghanistan and the United Nations on the post-Bonn process.

**Deliberations of 17 January 2006 to
10 February 2006 (5347th, 5348th, 5369th
and 5370th meetings)**

At its 5347th meeting, on 17 January 2006, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA.⁶⁶ In his briefing, the Special Representative stated that four years to the day after the signing of the Bonn Agreement, the political transition in Afghanistan had been completed with the inauguration on 19 December 2005 of the new Afghan National Assembly. Since the inauguration, both houses had made progress in the discussion of their rules of procedure and had decided on the establishment of parliamentary committees. Building on the disarmament, demobilization and reintegration programme completed in the previous year, a strategy had also been agreed by national and international partners for the disbanding

⁶¹ *Ibid.*, pp. 30-31.

⁶² S/PRST/2005/40.

⁶³ The representative of Afghanistan was invited to participate but did not make a statement.

⁶⁴ S/2005/576.

⁶⁵ S/PRST/2005/56.

⁶⁶ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

of illegal armed groups. With respect to the security situation, he noted that while, overall, the country had seen a drop in violent clashes in keeping with the usual lull in winter, the South had seen an increase in suicide bombings and an increase in attacks using improvised explosive devices. He briefed the Council on the planned transfer of operational authority from Operation Enduring Freedom to NATO, which would continue through 2006. He also informed the Council that on 8 December, NATO foreign ministers had decided to expand the International Security Assistance Force by an additional 6,000 troops to a little over 15,000, although firm guarantees of troops had yet to be secured. Finally, he noted that consultations were ongoing with a wide range of actors on the compact for Afghanistan, which would be launched in London on 31 January and which would cover the international approach to the peacebuilding process in the years to come.⁶⁷

At the 5669th meeting,⁶⁸ on 10 February 2006, the President (United States of America) drew the attention of the Council to two letters dated 9 February 2006 from the representative of Afghanistan, one transmitting a copy of the Afghanistan Compact adopted at the conclusion of the international London Conference on Afghanistan⁶⁹ and the other a letter welcoming the outcome of the Conference.⁷⁰ The Council then heard a briefing from the Under-Secretary-General for Peacekeeping Operations.⁷¹

In his briefing, the Under-Secretary-General stated that the achievements of the Conference had been numerous and had reasserted the unity of purpose in the international community. Over 60 high-level delegations had attended, sending a signal of the international community's continuing resolve. The Compact set out an ambitious agenda, but was a realistic reflection of what was required to consolidate State-building efforts in Afghanistan and curb insecurity, control the narcotics industry, stimulate the economy, provide basic services to the Afghan population and protect the human rights of

the citizenry. He noted that the Compact set out measurable and time-bound benchmarks in each area and established a results-oriented action plan for the country's future. Finally, he provided an update on the security situation and recent violent incidents.⁷²

Decision of 15 February 2006 (5374th meeting): resolution 1659 (2006)

At the 5374th meeting,⁷³ on 15 February 2006, the representative of Afghanistan was invited to participate in the discussion. The President (United States) again drew the attention of the Council to the two letters dated 9 February 2006 from the representative of Afghanistan.⁷⁴ He also drew attention to a draft resolution;⁷⁵ it was put to the vote and adopted unanimously as resolution 1659 (2006), by which the Council, *inter alia*:

Endorsed the Afghanistan Compact and the annexes thereto as providing for the framework for the partnership between the Government of Afghanistan and the international community;

Called on the Government of Afghanistan, and all members of the international community and international organizations, to implement in full the Compact and the annexes thereto;

Affirmed the central and impartial role of the United Nations in Afghanistan;

Noted the amount of financial assistance available for the implementation of the interim Afghanistan National Development Strategy, and also noted the intention of the Government of Afghanistan to seek debt relief through the Paris Club;

Welcomed the updated National Drug Control Strategy presented by the Government of Afghanistan at the London Conference, and encouraged additional international support for the four priorities identified in the Strategy;

Welcomed the adoption by NATO of a revised Operational Plan allowing the continued expansion of the International Security Assistance Force across Afghanistan, closer operational synergy with Operation Enduring Freedom, and support, within means and capabilities, to Afghan security forces in the military aspects of their training and operational deployments;

⁶⁷ S/PV.5347, pp. 2-5.

⁶⁸ On 17 January 2006, the Council held its 5348th meeting in private. The representatives of Afghanistan and Germany and the Special Representative of the Secretary-General and Head of UNAMA were invited to participate.

⁶⁹ S/2006/90, annex.

⁷⁰ S/2006/89, annex.

⁷¹ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

⁷² S/PV.5369, pp. 2-5.

⁷³ On 10 February 2006, the Council held its 5370th meeting in private. The representatives of Afghanistan and Germany and the Special Representative of the Secretary-General and Head of UNAMA were invited to participate.

⁷⁴ S/2006/89 and S/2006/90.

⁷⁵ S/2006/102.

Declared its willingness to take further action to support the implementation of the Compact and the annexes thereto, on the basis of timely reports by the Secretary-General which encompass recommendations on the future mandate and structure of the United Nations Assistance Mission in Afghanistan.

**Decision of 23 March 2006 (5393rd meeting):
resolution 1662 (2006)**

At its 5385th meeting, on 14 March 2006, the Council included in its agenda the report of the Secretary-General dated 7 March 2006 on the situation in Afghanistan and its implications for international peace and security.⁷⁶ In his report, the Secretary-General provided a detailed update on the parliamentary elections, the start of the new parliament and the security and human rights situation in Afghanistan. He noted that insurgents and other anti-Government elements had increasingly employed more sophisticated and lethal tactics, such as the use of complex improvised explosive devices, well-planned ambushes and technically advanced multiple rocket attacks. He expressed particular concern with the steep rise in the number of suicide bombings. He also noted that in contrast to previous years the insurgents had maintained a high level of operational activity throughout the winter period. He also proposed a new mandate for UNAMA which would entail some changes in its size, scope and structure.⁷⁷

The Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan, following which statements were made by all members of the Council⁷⁸ and the representatives of Afghanistan, Australia, Austria,⁷⁹ Canada, Germany, Iceland, the Islamic Republic of Iran, Italy, Kazakhstan, New Zealand, Norway, Pakistan and the Republic of Korea.

The Special Representative noted that the political agenda of the new Government was increasingly focused on justice-related issues, as President Hamid

Karzai had indicated his determination to renew the Supreme Court and launch the Action Plan on Peace, Justice and Reconciliation. In regard to the security situation, he added that the prevalence of more sophisticated attacks pointed to the persistence and even consolidation of the command and control networks of Taliban, Al-Qaida and other groups in the region. He emphasized that the key challenge of the new Government would be to extend the reach of Government at the local level, which would require security, development, civil society and private sector actors to be more present in areas not yet touched by recovery. He noted that the proposed mandate of UNAMA included a modest expansion of its field presence to support Government efforts, subject to security conditions.⁸⁰

Speakers welcomed the successful holding of the London Conference and the adoption of the Afghanistan Compact. They expressed concern at the escalation of attacks and violence and expressed hope that the strengthening of the Afghan National Army and police forces, as well as disarmament, demobilization and reintegration efforts, would improve the situation. Many speakers underlined the need to tackle the narcotics industry, which fuelled violence, and create alternate opportunities for economic development. Most speakers also expressed strong support for the new mandate and structure of UNAMA as proposed by the Secretary-General.

On the mandate of UNAMA, Japan added that the “light footprint” approach should be maintained, in view of the need to encourage ownership on the part of the Afghan Government. In addition, a “scrap-and-build” approach should be considered, where necessary, in deciding on the optimal allocation of personnel and funding resources.⁸¹

The representative of Denmark stressed that reinforcing the new and fragile democratic institutions was a major task of UNAMA, and urged the Special Representative to continue an active dialogue with the entire political spectrum and press for concerted action in the reform of the public sector. He continued by saying that human rights should also be a high-priority task for UNAMA, which implied that UNAMA should insist that the President appoint qualified judges to the Supreme Court — judges had the full implementation of

⁷⁶ S/2006/145, submitted pursuant to resolution 1589 (2005).

⁷⁷ See chapter V for the details on the changes to the mandate and composition of UNAMA.

⁷⁸ The representative of the Russian Federation spoke on behalf of the member States of the Collective Security Treaty Organization: Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan.

⁷⁹ The representative of Austria spoke on behalf of the European Union and aligned countries.

⁸⁰ S/PV.5385, pp. 2-4.

⁸¹ *Ibid.*, p. 7.

the Constitution at heart. He emphasized that the UNAMA presence outside Kabul needed to be significantly enhanced. Finally, he noted that the split of UNAMA into two pillars, dealing with political affairs (I) and relief and development (II), respect gave rise to coordination issues that needed to be tackled head on.⁸² The representative of Slovakia stressed that, when considering the UNAMA field expansion, special attention needed to be given to security measures and resources for United Nations personnel.⁸³ The representative of Peru expressed concern that the issue of drug trafficking was barely addressed in the proposed mandate for UNAMA. He suggested that it would be better for UNAMA to adopt the approach taken in the Afghanistan Compact to prioritize support for combating drug trafficking as a cross-cutting issue in the various areas covered by its mandate.⁸⁴

The representative of the Congo stressed that UNAMA needed to provide assistance at the local level, and it was therefore necessary to give UNAMA additional and sufficient security-related resources, particularly by guaranteeing it air support in cases of medical emergency.⁸⁵ The representative of Norway expressed support for a strengthened role for UNAMA in monitoring and coordinating international assistance, including an augmented role in the consultation process between the donors and the Afghan authorities.⁸⁶ The representative of Italy, echoed by the representative of New Zealand, recommended pursuing consistency between the Mission's structure and the organization of the Afghanistan Compact so as to guarantee full effectiveness in fulfilling the follow-up and monitoring tasks given to UNAMA.⁸⁷ Welcoming the proposed expansion of local offices, the representative of Italy encouraged strong cooperation with the provincial reconstruction teams as an essential component of that process.⁸⁸ The representative of Canada maintained that UNAMA had a crucial role to play in strengthening all the new governance institutions of the Afghan State, and to that end needed to increase its own capacities to

intervene on the ground in the areas of individual rights, respect for the rule of law, the police and justice.⁸⁹

At its 5393rd meeting, on 23 March 2006, the Council again included in its agenda the report of the Secretary-General dated 7 March 2006 on the situation in Afghanistan and its implications for international peace and security.⁹⁰ The representative of Afghanistan was invited to participate in the discussion. The President (Argentina) drew the attention of the Council to a draft resolution;⁹¹ it was adopted unanimously as resolution 1662 (2006),⁹² by which the Council, inter alia:

Decided to extend the mandate of UNAMA for an additional period of 12 months from the date of adoption of the resolution;

Called upon all Afghan parties and groups to engage constructively in the peaceful political development of the country and avoid resorting to violence;

Welcomed the proposal of the Secretary-General to extend the reach of regional offices, security circumstances permitting;

Called upon the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force to continue to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, other extremist groups and criminal activities;

Encouraged the promotion of confidence-building measures between Afghanistan and its neighbours in the spirit of the Kabul Declaration in order to foster dialogue and cooperation in the region in full respect for the principles of territorial integrity, mutual respect, friendly relations and non-interference in each other's internal affairs.

Decision of 12 September 2006 (5521st meeting): resolution 1707 (2006)

At the 5521st meeting,⁹³ on 12 September 2006, in which the representative of Afghanistan was invited to participate, the President (Greece) drew attention to a letter dated 11 September 2006 from the representative

⁸² Ibid., pp. 9-10.

⁸³ Ibid., p. 12.

⁸⁴ Ibid., p. 15.

⁸⁵ Ibid., p. 17.

⁸⁶ Ibid., p. 31.

⁸⁷ Ibid., p. 31 (New Zealand) and p. 32 (Italy).

⁸⁸ Ibid., p. 32.

⁸⁹ Ibid., p. 35.

⁹⁰ S/2006/145.

⁹¹ S/2006/175.

⁹² For more information on the mandate of UNAMA, see chapter V.

⁹³ On 26 July 2006, the Council held its 5496th meeting in private. The Council heard a briefing from the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA, and the representatives of Afghanistan, Finland and Germany were invited to participate.

of Afghanistan addressed to the Secretary-General,⁹⁴ welcoming the prospect of the International Security Assistance Force continuing to operate in Afghanistan until the security forces were fully able to provide security.⁹⁵ He then drew the attention of the Council to a draft resolution, which was put to the vote and adopted unanimously as resolution 1707 (2006), by which the Council, *inter alia*:

Decided to extend the authorization of the International Security Assistance Force, as defined in resolutions 1386 (2001) and 1510 (2003), for a period of 12 months beyond 13 October 2006;

Authorized the Member States participating in the Force to take all necessary measures to fulfil its mandate;

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 to the Council, through the Secretary-General.

**Decision of 23 March 2007 (5645th meeting):
resolution 1746 (2007)**

At its 5641st meeting,⁹⁶ on 20 March 2007, the Council included in its agenda the report of the Secretary-General dated 15 March 2007 on the situation in Afghanistan and its implications for international peace and security.⁹⁷ In his report, the Secretary-General noted that while insurgency-related violence had peaked in September 2006 and receded thereafter due to intense security efforts and the onset of winter, the incident levels during the winter months nevertheless were higher than those recorded for previous years. There had also been a marked increase in insurgent forces prepared to engage in conventional combat operations against Government and international security forces, and a significant improvement in the

insurgents' tactics and training. In particular, security incidents in January 2007 in provinces bordering Pakistan had been double the number recorded the previous year. In addition, only limited progress had been made in disarmament, demobilization and reintegration efforts aimed at illegal armed groups. On the political side, Parliament had begun to assert its independence and serve as an active counterweight to the executive branch. At the provincial level, he underscored the fact that an increased focus on capacity-building of Government structures was needed to enable greater Afghan oversight and direction of development and humanitarian issues. UNAMA could more readily ensure stakeholder coordination in this area through its planned establishment of additional provincial offices, security conditions permitting. He stressed that UNAMA should focus its efforts on promoting a more coherent international engagement in support of the Afghanistan Compact; strengthening its humanitarian coordination role and contributing to the protection and promotion of human rights, including monitoring the situation of civilians in armed conflict; and extending its good offices role through outreach in Afghanistan and support for regional cooperation.

At the meeting, the Council heard briefings by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA and the Executive Director of the United Nations Office on Drugs and Crime, following which all Council members and the representatives of Afghanistan, Belarus,⁹⁸ Canada, Germany, Iceland, India, the Islamic Republic of Iran, Japan, New Zealand, the Netherlands, Norway and Pakistan made statements.

In his briefing, the Special Representative pointed out that the unprecedented efforts to improve governance, help development and register military gains were being put to the test. He stressed that the Afghanistan National Development Strategy would work only if international participation improved, if the National Assembly became more engaged and if other wings of the Government took their responsibilities more seriously. He suggested that it was critical that the Government start to view political advice by members of the international community as a genuine attempt to assist rather than as an attempt to control. He welcomed the commitment of new forces to the

⁹⁴ S/2006/725.

⁹⁵ S/2006/723.

⁹⁶ On 9 October 2006, the Council held its 5548th meeting in private. The Council heard briefings by the Special Representative of the Secretary-General for Afghanistan and Head of UNAMA and the Executive Director of the United Nations Office on Drugs and Crime. The representatives of Afghanistan, Finland, Germany, the Islamic Republic of Iran and Pakistan were also invited to participate.

⁹⁷ S/2007/152, submitted pursuant to resolution 1662 (2006).

⁹⁸ Belarus spoke on behalf of the Collective Security Treaty Organization.

International Security Assistance Force, but cautioned that as military action increased, the protection of civilians was becoming an increasing concern. While Taliban-led groups were responsible for the high toll of deaths associated with suicide bombings, he noted that there had been a number of cases of civilian casualties caused by Government and international forces. He stressed that UNAMA had sought to position itself as an impartial advocate by conducting objective verification of those incidents with the primary aim of preventing further civilian casualties. He stressed that the Government and international forces needed to take greater care to ensure that they were not perceived as seeking to do harm to civilians.⁹⁹

The Executive Director of the United Nations Office on Drugs and Crime noted that while it was easy to be pessimistic about the problems of opium production in Afghanistan, there had been a divergence in cultivation trends between the centre-north, where security and development were improving, and the centre-south, where the vicious circle of drugs and terrorism was stronger than ever. He noted that thousands of tons of chemicals needed for drug refining and billions of dollars had been smuggled across Afghanistan's borders, and that UNODC had proposed a major initiative to help Afghanistan, the Islamic Republic of Iran and Pakistan to improve border management and cooperation. He also welcomed the Council's decision to add major drug traffickers to the sanctions list and underlined the need to promote good governance.¹⁰⁰

During their statements, speakers welcomed the progress in key areas, such as reform of the Ministry of the Interior and the development of parliamentary institutions among other areas, but expressed strong concern with the mounting challenges in development, counter-narcotics and the expansion of good governance, on top of the deteriorating security situation. Most speakers also stressed the importance of regional cooperation as a strategic priority and underlined the need for close cooperation with neighbours, particularly Pakistan.

Many speakers expressed support for the proposed renewal of the UNAMA mandate and for the priorities recommended by the Secretary-General: strengthening the coordination of assistance at the local level; stepping

up the good offices mission in matters of regional cooperation; and promoting human rights and the protection of civilians. Several speakers stressed the importance of expanding the Mission's geographical presence by opening new provincial offices where security conditions allowed.

A number of speakers noted that the report had underlined the fact that the Taliban continued to enjoy privileged sanctuary on the Pakistani side of the frontier, posing an imminent and ongoing threat to the State-building efforts of the Afghan administration and its citizens. They urged the Government of Pakistan to redouble its efforts to deny access to its territory by armed groups.¹⁰¹

The representative of Panama welcomed the establishment of the Policy Action Group, a committee composed of Government ministers, UNAMA and other international agencies, but expressed reservations about some of its programmes, particularly the Afghan National Auxiliary Police. He was concerned about the capacity of a police force whose members got only 10 days of training. He underlined the need for a vigorous screening process for Auxiliary Police recruits and urged the Policy Action Group to incorporate the Auxiliary Police force into the regular police force as soon as possible.¹⁰²

The representative of the Russian Federation attached importance to the programme of national reconciliation, but at the same time emphasized that the process should not run counter to the efforts to enforce the sanctions regime to effectively oppose the terrorist threat.¹⁰³

The representative of Pakistan emphasized his country's strong commitment to cooperating with Afghanistan and to contributing to peace and progress in Afghanistan. He stressed that control of the border was a joint responsibility. He also stated that they would act shortly to eliminate the "atrocious allegations about so-called sanctuaries and safe havens for the Taliban in terrorist training camps". He asserted that the actual problem was Taliban infiltration in the refugee camps close to the border, and announced that four of the largest camps would be moved to secure sites inside

⁹⁹ S/PV.5641, pp. 2-5.

¹⁰⁰ Ibid., pp. 6-7.

¹⁰¹ Ibid., p. 12 (Slovakia); p. 13 (Panama); p. 28 (Germany, on behalf of the European Union).

¹⁰² Ibid., p. 13.

¹⁰³ Ibid., p. 15.

Afghanistan, which would “end this story of sanctuaries”.¹⁰⁴

At the 5645th meeting, on 23 March 2007, the President (South Africa) again drew the Council’s attention to the report of the Secretary-General dated 15 March 2007 on the situation in Afghanistan and its implications for international peace and security,¹⁰⁵ and to a draft resolution.¹⁰⁶ It was put to the vote and adopted unanimously as resolution 1746 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMA, as established by resolution 1662 (2006), until 23 March 2008;

Called upon all Afghan and international parties to continue to cooperate with UNAMA in the implementation of its mandate and in efforts to promote the security and freedom of movement of United Nations and associated personnel throughout the country.

Following the adoption of the resolution, the representative of Italy stressed that the resolution, while it did not modify the mandate of UNAMA, was not business as usual, but addressed all the priorities identified by the Secretary-General, including promotion of the coherence of the international engagement, outreach, support for regional cooperation, humanitarian coordination, protection of human rights and monitoring of the situation of civilians in armed conflict.¹⁰⁷

**Decision of 17 July 2007 (5718th meeting):
statement by the President**

At its 5718th meeting,¹⁰⁸ on 17 July 2007, the Council extended an invitation to the representative of Afghanistan to participate in the discussion. The President (China) made a statement on behalf of the Council,¹⁰⁹ by which the Council, *inter alia*:

Reaffirmed its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan, and to the central and impartial role that the United Nations continued to play in promoting peace and stability in

Afghanistan by leading the efforts of the international community;

Emphasized that the strengthening of Afghan institutions, the advancement of regional cooperation, sustained economic and social development, and the fight against international terrorism, as well as against opium cultivation, production and trafficking remained key factors to achieve sustainable peace, stability and development in Afghanistan;

Reiterated its support for the continuing endeavours by the Government of Afghanistan, with the assistance of the international community, including the International Security Assistance Force and the Operation Enduring Freedom coalition, to further improve the security situation and to continue to address the threat posed by the Taliban, Al-Qaida and other extremist groups;

Condemned in the strongest terms all suicide attacks against civilians and Afghan and international forces and their destabilizing effects on the security and stability of Afghanistan, and deeply regretted all losses sustained by the local population, the national security forces and international military and civilian personnel.

**Decision of 19 September 2007
(5744th meeting): resolution 1776 (2007)**

At the 5744th meeting, on 19 September 2007, the President (France) drew the attention of the Council to a letter dated 13 August 2007 from the representative of Afghanistan, which welcomed the proposal that the International Security Assistance Force should continue to operate in Afghanistan until the security forces were fully able to provide security.¹¹⁰ The President also drew attention to a draft resolution.¹¹¹

Speaking before the vote, the representative of the Russian Federation noted that his delegation had traditionally supported the activities of the Force, but that during the process of reaching agreement on the draft resolution, no clarity had been provided with regard to the proposed new wording pertaining to the coalition Force’s maritime interception component, which had not appeared in previous resolutions. He underlined that the coalition’s activities were carried out outside the context of the United Nations and the Council had not been informed in detail about them. He stressed that the maritime component was necessary solely to combat terrorism in Afghanistan and should not be used for other purposes. He continued that since his delegation’s proposals for new wording had not been duly discussed and the draft resolution had been

¹⁰⁴ *Ibid.*, p. 27.

¹⁰⁵ S/2007/152.

¹⁰⁶ S/2007/169.

¹⁰⁷ S/PV.5645, p. 2.

¹⁰⁸ On 23 May 2007, the Council held its 5680th meeting in private. At the meeting, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan. The representative of Afghanistan was also invited to participate.

¹⁰⁹ S/PRST/2007/27.

¹¹⁰ S/2007/492.

¹¹¹ S/2007/548.

hastily put to the vote, the Russian Federation would not be able to support the draft resolution.¹¹²

The draft resolution was then put to the vote and was adopted by 14 votes to none, with 1 abstention (Russian Federation), as resolution 1776 (2007), by which the Council, *inter alia*:

Decided to extend the authorization of the International Security Assistance Force for a period of 12 months beyond 13 October 2007;

Authorized the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate;

Called upon Member States to contribute personnel, equipment and other resources;

Stressed the importance of increasing the effective functionality, professionalism and accountability of the Afghan security sector, and encouraged the Force and other partners to sustain their efforts to train, mentor and empower the Afghan national security forces;

Called upon the Force to continue to work in close consultation with the Government of Afghanistan and the Special Representative of the Secretary-General as well as with the Operation Enduring Freedom coalition in the implementation of the mandate of the Force;

Requested the leadership of the Force to keep the Council regularly informed, through the Secretary-General, on the implementation of its mandate.

After the vote, the representative of Italy stated that his delegation had tried to reflect in the text all the daunting and emerging challenges that the Force had faced since its expansion across the country. It had been particularly important that the Council was sending a signal of strong attention to all the aspects surrounding the Force's operations. As his delegation had not hesitated to address politically sensitive issues, the process had been more difficult, but they felt rewarded by the outcome. By refusing to ignore the challenges, the Council had lived up to its responsibility as the mandating authority for the operation.¹¹³ The representative of China stressed that the Council should spare no effort to reach consensus when adopting resolutions and expressed hope that the manner in which the resolution had been adopted would not set a precedent.¹¹⁴

¹¹² S/PV.5744, p. 2.

¹¹³ *Ibid.*, p. 3.

¹¹⁴ *Ibid.*

Deliberations of 15 October 2007 (5760th meeting)

At its 5760th meeting, on 15 October 2007, the Council included in its agenda the report of the Secretary-General dated 21 September 2007 on the situation in Afghanistan and its implications for international peace and security.¹¹⁵ In his report, the Secretary-General noted that an intensifying Taliban-led insurgency, which increasingly relied on suicide bombing and other terrorist tactics, was undermining confidence in the future and denying access by the Government and international aid organizations to a growing number of districts. Overall, rates of insurgent and terrorist violence were at least 20 per cent higher than in 2006. Despite those pressures, he affirmed there had been progress in terms of economic growth, education, health, road building and rural development. With regard to the Government, he noted that while some institutions within the judicial, executive and legislative branches had continued to gain capacity and effectiveness, internal disputes and institutional corruption threatened efforts to consolidate and legitimize them. Finally, he emphasized that the continued increase in opium production also posed an increasingly grave threat to reconstruction and nation-building.

At the meeting, the Council heard a briefing by the Special Representative of the Secretary-General and Head of UNAMA, following which statements were made by all members of the Council and the representatives of Afghanistan, Canada, India, the Islamic Republic of Iran, Japan, the Netherlands, Norway, Pakistan and Portugal (on behalf of the European Union).¹¹⁶

In his briefing the Special Representative noted that the recent meeting of the Joint Coordination and Monitoring Board had, despite positive steps, highlighted a capacity deficit in regional cooperation, which needed first of all to be addressed by the Government of Afghanistan through the creation of supporting regional units in the lead ministries and through strengthening the Ministry of Foreign Affairs.

¹¹⁵ S/2007/555, submitted pursuant to resolution 1746 (2007).

¹¹⁶ Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

He pointed out that although the Afghan National Army would be at around 47,000 soldiers by the end of the year, numbers were not a measure of capability and for the time being the International Security Assistance Force remained essential. He noted that with the levels of instability and conflict, the lack of oversight mechanisms for human rights, particularly regarding the mandate of the National Directorate for Security, the intelligence service, was particularly strong. He urged the Government to investigate allegations of arbitrary detention and torture of detainees and grant UNAMA access to National Directorate for Security detention centres and activities. He welcomed the concrete steps taken by the Force and Operation Enduring Freedom to reduce civilian casualties. Turning to the challenges of corruption and good governance, he noted that the focus on shoring up the central Government had come at the cost of provincial administration. One consequence of this had been a 34 per cent increase in opium production in 2007. He observed that where the Government and international efforts had been aligned on developing institutional capacity, such as in the Army and the ministries of finance, education, health and rural development, there had been progress, while in areas such as the Civil Service Commission, counter-narcotics, subnational governance and the Ministry of Interior, progress had been limited. He stressed that to succeed in the myriad of challenges in Afghanistan they had to win the legitimacy of the Government of Afghanistan, because only a Government perceived as legitimate could make progress against the challenges facing the country.¹¹⁷

During their statements, speakers expressed their concern at the worsening security situation and emphasized the need to provide security and good governance to all parts of the country. They expressed support for the roles played by the Force, NATO and UNAMA in the country. A number of speakers also expressed concern about the number of civilian casualties, caused by accident as well as by terrorist attacks. Most speakers also noted the increase in opium poppy cultivation and underlined the need for greater cooperation to address the narcotics problem.

The representative of the United States underlined the need to increase the joint efforts to train, mentor, and equip the Afghan National Army and Afghan National Police and provide every measure of

¹¹⁷ S/PV.5760, pp. 2-6 and pp. 35-36.

support to the United Nations-mandated, NATO-led Force. In particular, he stressed the need to give commanders the forces and flexibility they needed to bring stability and good governance to all of Afghanistan.¹¹⁸ The representative of the Netherlands added that the Force was not a reconstruction entity, and suggested the need for more complementarity among the United Nations, NATO and the European Union.¹¹⁹

The representative of Qatar expressed the view that the political transition process following the Bonn Agreement had begun to unravel. As the political landscape in Afghanistan was made up of an interdependent network, it was necessary to focus on active participation by all parties. He expressed hope that the Government could develop a new mechanism that would enable it to deal with all its opponents.¹²⁰ Similarly, the representative of the Russian Federation suggested that it was necessary to pursue the policy of isolating extremist ringleaders, particularly those already on the sanctions list, while preserving the possibility of a return to peaceful life for rank and file Taliban not accused of war crimes.¹²¹ The representative of Afghanistan added that his country continued to focus on reconciliation as a measure to encourage non-terrorist Taliban to join the process of building a prosperous Afghanistan.¹²² The representative of Pakistan pointed out that the Taliban were part of Afghan society and many could be won over and spoke in support of President Karzai's offer of reconciliation to the Taliban.¹²³ However, the representative of the Islamic Republic of Iran rejected certain efforts to "appease the Taliban terrorists". He noted that contacts with those responsible for insecurity and terrorist activities could be wrongly interpreted as rewarding terrorists and criminals and would prove counterproductive and dangerous.¹²⁴

Finally, the representative of Pakistan also provided an update on the efforts to close the refugee camps for Afghans on the Pakistani side of the border, which had served as a source for the flow of cross-border militants. He noted that the closure was being

¹¹⁸ *Ibid.*, p. 7.

¹¹⁹ *Ibid.*, p. 27.

¹²⁰ *Ibid.*, p. 8.

¹²¹ *Ibid.*, p. 19.

¹²² *Ibid.*, p. 23.

¹²³ *Ibid.*, p. 34.

¹²⁴ *Ibid.*, p. 30.

delayed owing to an inexplicable reluctance, including on the part of United Nations agencies, to facilitate the return of refugees.¹²⁵

¹²⁵ Ibid., p. 35.

25. 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 6 May 2004 (4962nd meeting)

At its 4962nd meeting, on 6 May 2004, the Security Council heard a briefing by the Assistant Secretary-General for Political Affairs on the activities of the United Nations Political Office in Bougainville (UNPOB), Papua New Guinea, following which all members of the Council made statements, as did the representatives of Fiji, Japan, New Zealand¹ and Papua New Guinea.

In his briefing, the Assistant Secretary-General noted that with the support of the Council, the recommendation of the Secretary-General to downsize UNPOB and to establish its successor, the United Nations Observer Mission in Bougainville (UNOMB), had been implemented. The new Mission was working in close cooperation and consultation with the national Government of Papua New Guinea and the leaders of Bougainville. On 17 December 2003, the Bougainville Revolutionary Army and the Bougainville Resistance Force had consolidated their agreement with regard to the destruction of all contained weapons as stipulated in stage III of the Action Plan for the Completion of Weapons Collection. By decentralizing the process of weapons destruction, which had allowed for the ex-combatants, united commanders and communities themselves to decide on the exact date and method of destruction, the Mission had succeeded in greatly expediting the destruction of weapons. Eighty-one per cent of the arsenals of the Bougainville Revolutionary Army and the Bougainville Resistance Force had been destroyed by the Bougainvilleans under the supervision of UNOMB. The Bougainville Constitutional

Commission was in the process of working on the third and final draft of the constitution, which would be submitted for approval by the Bougainville Constituent Assembly in June 2004, followed by submission to the national Government of Papua New Guinea for endorsement by the end of July 2004. The Assistant Secretary-General noted that subsequent to the completion of all constitutional phases, UNOMB would consult with the Government of Papua New Guinea and the parties in Bougainville regarding their intention to proceed with elections. The National Executive Council of the Government of Papua New Guinea had delegated police powers and functions to the Bougainville Interim Provincial Government on 17 December 2003, and, in a further step towards autonomy, the Governor had appointed the former leader of the Bougainville Resistance Force as the first Minister of Police of Bougainville. The Governments of Australia and New Zealand had also been supporting the development of the security sector of Bougainville.

The Assistant Secretary-General noted that some progress had been achieved with regard to the involvement of Mr. Francis Ona, the main Bougainvillean leader remaining outside the peace process. The dominant faction in the Me'ekamui Defence Force of Mr. Ona had completed the destruction of its weapons in April 2004. However, other elements of the Me'ekamui Defence Force had not contained their weapons. UNOMB had been informing Mr. Ona of the developments in the peace process and had expressed its readiness to resume regular contacts with him. Overall, therefore, the Assistant Secretary-General observed that the influence of Mr. Ona had continued to be reduced. Finally, the Assistant Secretary-General urged the parties to redouble their efforts in completing the Bougainville constitutional process, which would open the way to

¹ On behalf of the Pacific Islands Forum (Australia, Fiji, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu).

the election of an autonomous Bougainville government as soon as practical.²

Most speakers welcomed the progress achieved in the implementation of the peace process in Bougainville with regard to the advancement of both the constitutional process and stage III of the weapons disposal plan and the delegation of police powers and functions to the Bougainville Interim Provincial Government. Highlighting the nexus between a durable peace and a self-sustaining economy, many speakers underlined the need for continued socioeconomic development supported by the international community. Several speakers reiterated the need for the faction of Mr. Ona to be brought into the peace process.³ Speaking on behalf of the Pacific Islands Forum, the representative of New Zealand stressed that the international community would remain engaged in the future of Bougainville and the rest of Papua New Guinea with regard to socioeconomic development.⁴

**Decision of 15 June 2005 (5201st meeting):
statement by the President**

At its 5201st meeting, on 15 June 2005, in which the representative of Papua New Guinea was invited to participate, the President (France) made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Welcomed the first general elections for the president and members of the House of Representatives of the Autonomous Region of Bougainville held from 20 May through 9 June 2005, and considered that they were competently and transparently conducted, as noted by the international observer team;

Urged those who did not participate in the electoral process to respect the outcome of the elections and support without delay the Autonomous Bougainville Government in its peacebuilding efforts;

Paid tribute to the efforts of the Government of Papua New Guinea and the Bougainville leaders for fully implementing the Bougainville Peace Agreement;

Noted with satisfaction that the performance of UNOMB, as well as that of its preceding UNPOB, demonstrated that a small United Nations special political mission with a clearly defined mandate could make a critical contribution to a regional conflict resolution effort in an efficient and effective manner.

Deliberations of 6 July 2005 (5222nd meeting)

At its 5222nd meeting, on 6 July 2005, the Council heard a briefing by the Assistant Secretary-General for Political Affairs, following which all members of the Council made statements, as did the representatives of Australia, New Zealand and Papua New Guinea.

In his briefing, the Assistant Secretary-General reported, on behalf of the Secretary-General, that the mandate of UNOMB had been fully implemented. On 14 June 2005, in the wake of the first elections for the President and members of the House of Representatives of the Autonomous Region of Bougainville, the parties to the Bougainville Peace Agreement had convened the final meeting of the Peace Process Consultative Committee. The Committee resolved that its objectives under the Lincoln Agreement and the Bougainville Peace Agreement had been achieved. Subsequently, the parties had agreed to dissolve the Committee and manage relations between the national Government and the Autonomous Bougainville Government through the permanent Joint Supervisory Body. Following the completion of the Action Plan for the Completion of Weapons Collection and the implementation of autonomous arrangements, the final pillar of the Peace Agreement remained, that is, the holding of a referendum on the future political status of Bougainville in 10 to 15 years, in which the final decision on its outcome would be left to the Parliament of Papua New Guinea. The Assistant Secretary-General stated that the Bougainville administration was in the process of developing a coherent development plan to improve economic development and government services. Finally, he expressed his appreciation to the members of the Council for the support given to UNPOB and its successor, UNOMB, in the implementation of its mandate.⁶

Most speakers welcomed the establishment of the Autonomous Bougainville Government and expressed their appreciation to the Government of Papua New Guinea for its efforts to implement the Peace

⁶ S/PV.5222, pp. 2-5.

² S/PV.4962, pp. 2-4.

³ *Ibid.*, p. 6 (Germany); p. 11 (Benin); p. 12 (Russian Federation, Pakistan).

⁴ *Ibid.*, p. 15.

⁵ S/PRST/2005/23.

Agreement. Commending the work of the United Nations efforts in Bougainville, many speakers noted how it could serve as a model for small United Nations missions entrusted with handling regional conflicts and peacebuilding initiatives. Acknowledging the challenges ahead, the majority of speakers underscored the need for the Autonomous Bougainville Government to develop both a sustainable economy and administrative capacity in order to consolidate the peace efforts.

The representative of Papua New Guinea expressed his gratitude to the United Nations, the Security Council and the Member States Australia, Fiji, New Zealand and Vanuatu for their efforts leading to the successful conclusion of the mandate of UNOMB.⁷

⁷ *Ibid.*, pp. 16-19.

26. The situation in Myanmar

Initial proceedings

Deliberations of 15 September 2006 (5526th meeting)

At the 5526th meeting,¹ on 15 September 2006, the President (Greece) drew the attention of the Security Council to a document that included the provisional agenda,² and to a letter dated 15 September 2006³ addressed to the President of the Council, in which the representative of United States requested a meeting of the Council under the item entitled “The situation in Myanmar” in order to receive a briefing from the Under-Secretary-General for Political Affairs on the situation, as well as on the status and progress of the Secretary-General’s good offices mission.⁴

At the start of the meeting, the President asked whether any member of the Council wished to speak on the question of the provisional agenda before the Council, following which statements were made by the representatives of China, Qatar and the United States.

The representative of China questioned the relationship between the situation in Myanmar and threats to international peace and security. He cited a letter sent on 10 July 2006 by the Non-Aligned

Movement to the President of the Council,⁵ in which the Movement put forward its categorical opposition to the inclusion of Myanmar on the Council’s agenda. He expressed the view that to request that the Council discuss an issue that by nature pertained to the internal affairs of a country not only exceeded the mandate given by the Charter of the United Nations to the Council, but also undermined the Council’s authority and legality. To force the Council to intervene would not only be inappropriate but would also further complicate the situation and have a negative impact on future interaction between Myanmar and the United Nations. China was unequivocally against including the question of Myanmar on the agenda of the Council.⁶ The representative of Qatar also objected to the inclusion of the item, on the grounds that such an inclusion could close the diplomatic channels opened by Myanmar with the relevant human rights mechanisms and with the Secretary-General.⁷

The representative of the United States referred to his letter of 1 September 2006 to the President of the Council,⁸ noting the grave human rights and humanitarian conditions in Myanmar, the detention of over 1,100 political prisoners and the outflow of refugees, drugs, HIV-AIDS and other diseases, and the resulting destabilizing effect on the region.⁹

The President (Greece) then put the provisional agenda to a vote; it was adopted by 10 votes to 4 (China,

¹ 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 chap. XII, part I, sect. D, case 6, with regard to Article 2 (7) of the Charter.

² S/Agenda/5526.

³ S/2006/742.

⁴ The Secretary-General was mandated by the General Assembly to provide his good offices assistance to Myanmar in order to engage in a process of inclusive dialogue leading to national reconciliation, the restoration of democracy, and full respect for human rights.

⁵ Not issued as a document of the Council.

⁶ S/PV.5526, pp. 2-3.

⁷ *Ibid.*, p. 3.

⁸ Not issued as a document of the Council.

⁹ S/PV.5526, pp. 3-4.

Congo, Qatar, Russian Federation), with 1 abstention (United Republic of Tanzania).¹⁰ The meeting was then suspended.

The meeting was resumed on 29 September 2006 in private. At the meeting, members of the Council, the Under-Secretary-General for Political Affairs and the representative of Myanmar had an exchange of views.

**Decision of 12 January 2007 (5619th meeting):
rejection of a draft resolution**

At the 5619th meeting,¹¹ on 12 January 2007, the President (Russian Federation) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹² By the draft resolution, the Council would, *inter alia*, have expressed support for the Secretary-General's good offices mission; urged the Government of Myanmar to respond to those efforts; and called on the Government of Myanmar to cease violations of humanitarian and human rights law, cooperate with the International Labour Organization on questions of forced labour, permit international humanitarian organizations to operate without restrictions, release political prisoners and lift restrictions on political actors, and begin an inclusive political dialogue leading to a democratic transition.

The draft resolution was put to the vote; it received 9 votes in favour, 3 votes against (China, Russian Federation and South Africa), with 3 abstentions (Congo, Indonesia, Qatar), and was not adopted, owing to the negative votes of two permanent members of the Council.¹³

During the meeting, statements were made by most members of the Council,¹⁴ and by the representative of Myanmar.

The representative of China said his country was firmly opposed to the draft resolution, as the Myanmar issue was mainly the internal affair of a sovereign State, and all of the immediate neighbours of Myanmar, all Association of Southeast Asian Nations (ASEAN) member States and most Asia-Pacific countries believed that the current domestic situation in Myanmar did not constitute a threat to international or regional peace and security. The representative of China stated that there was no need for the Council to get involved, and if it took action, it would exceed its own mandate. It would also hinder discussions by other relevant United Nations agencies and bring no benefit to the Secretary-General's good offices effort. Finally, he expressed the view that the international community could offer all kinds of constructive advice and assistance, but needed to "refrain from arbitrary interference".¹⁵ Several speakers stated that the situation in Myanmar was not a clear threat to international peace and security, that the proposed resolution could hinder the good offices effort and that other competent United Nations organs, such as the human rights mechanisms, were more appropriate venues for addressing the problem of Myanmar.¹⁶ The representative of the Russian Federation said his delegation considered any attempt to use the Council to discuss issues outside its purview to be unacceptable.¹⁷

The representative of the Congo noted that his delegation had voted against the inclusion of Myanmar on the agenda of the Council, as the neighbouring countries did not believe that Myanmar posed a threat to international peace and security. He therefore logically could have voted against the draft resolution. However, in the spirit of reconciliation, his delegation preferred to abstain, but he also noted that this matter fell under the purview of United Nations bodies other than the Council.¹⁸ The representative of Panama observed that the topic being addressed was the functions and mandate of the Council, specifically its capacity to act preventively and in conformity with the scope and range of Articles 32, 33 and 34 of the Charter. He stated that his delegation had voted on the understanding that the resolution incorporated the views of the neighbouring countries and of the Non-Aligned Movement,

¹⁰ For more information, see chap. II, part II, sect. A, case 2, with regard to the consideration of requirements for the inclusion of an item in the agenda.

¹¹ 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 chap. XII, part I, sect. D, case 6, and part II, sect. A, case 12, with regard to Article 2, para. 7, of the Charter.

¹² S/2007/14.

¹³ See S/PV.5619, p. 6; for more information, see chapter IV.

¹⁴ The representative of Peru did not make a statement at the meeting.

¹⁵ S/PV.5619, pp. 2-3.

¹⁶ *Ibid.*, pp. 2-3 (China); pp. 3-4 (South Africa); pp. 4-5 (Indonesia); and pp. 5-6 (Qatar).

¹⁷ *Ibid.*, p. 6.

¹⁸ *Ibid.*, p. 8.

specifically, that Myanmar was not currently a threat to international peace and security. His delegation felt that the inability of the Council to reach consensus on this item was quite unfortunate.¹⁹ The representative of Italy noted his delegation's view that, while they shared the concerns expressed in the draft text, punitive approaches had not yielded satisfactory results and should not be sought by the Council.²⁰

Other speakers expressed strong support for the draft resolution and stressed the importance of a resumption of a political dialogue in Myanmar and an end to human rights abuses.²¹

The representative of the United States asserted that the situation in Myanmar did pose a risk to peace and security beyond its borders. He said that the draft resolution would have supported the good offices mission and would have helped the Council to act in cooperation with other United Nations organs in a holistic manner.²² In the same way, the representative of France noted that conflict in Myanmar had repercussions beyond the country's borders, and further stated that the Council could not remain indifferent to the situation of civilians in conflict zones.²³ The representative of the United Kingdom also believed the issue to be within the competence of the Council, but not solely so, in that other organs, including the agencies, funds and programmes of the United Nations, had a key role to play. He urged the Council to continue to monitor the situation in Myanmar, which would not be an impediment to its consideration by any other part of the United Nations family.²⁴

The representative of Ghana, referring to the principles and objectives enshrined in the Charter and the Universal Declaration of Human Rights, expressed the view that the maintenance of international peace and security in the current radically changed world necessarily involved addressing complex challenges that were cross-cutting and interrelated. In recent times, the Council had dealt with many intra-State conflicts. He further noted that the interests of humankind were

best served when the organs of the United Nations were devoted to complementing each other's efforts.²⁵

The representative of Myanmar remarked that the draft resolution, if it had been adopted, would have set a dangerous precedent, clearly exceeded the mandate given by the Charter and would have undermined the Council's authority and legality. Finally, he pointed out that cooperation with the United Nations was the cornerstone of the foreign policy of Myanmar.²⁶

**Decision of 11 October 2007 (5757th meeting):
statement by the President**

At its 5753rd meeting,²⁷ on 5 October 2007, the Council included in its agenda a letter dated 3 October 2007 from the representative of the United States addressed to the President of the Security Council,²⁸ which requested an urgent meeting of the Council and invited the Special Adviser to the Secretary-General on Myanmar to supply information on his mission.

The Council heard briefings by the Secretary-General and the Special Adviser, following which most members of the Council made statements,²⁹ as did the representatives of Myanmar and Singapore.

The Secretary-General, expressing deep concern at the recent events in Myanmar and the reports of continued human rights violations, underlined the fact that the use of force against peaceful demonstrators was abhorrent and unacceptable. He expressed serious concern about the overall situation in Myanmar, especially with regard to the unknown predicament of the large number of individuals who had been arrested without due process. He advocated a serious and comprehensive political dialogue between the Government and the political opposition.³⁰

The Special Adviser reported on his recent mission to Myanmar during a Government crackdown on peaceful demonstrations. He detailed his mission, which had had three main objectives: first, to assess the

¹⁹ Ibid., p. 10.

²⁰ Ibid., p. 7.

²¹ Ibid., p. 6 (United States); p. 7 (United Kingdom, Italy); p. 8 (Belgium); pp. 8-9 (Slovakia); and p. 9 (France).

²² Ibid., p. 6.

²³ Ibid., p. 9.

²⁴ Ibid., p. 7.

²⁵ Ibid.

²⁶ Ibid., p. 10.

²⁷ 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 of the Charter.

²⁸ S/2007/590.

²⁹ The representative of the Congo did not make a statement at the meeting.

³⁰ S/PV.5753, p. 2.

situation on the ground in the wake of recent demonstrations; second, to deliver clear messages from the Secretary-General to the Myanmar authorities at the highest level; and third, to try to promote dialogue between the Government and the opposition as the best path to ending the current crisis and achieving national reconciliation. He observed that while the protests had coincided with the Government's sudden decision on 19 August to sharply increase the price of fuel, the marches by monks across the country appeared to have provided a catalyst for the demonstrations to become explicitly political in nature. He observed that by the time his mission had started, the protests in the streets of Yangon had largely been put down, although there were continuing reports of abuses being committed by security and non-uniformed elements, particularly at night, and of mass relocation outside Yangon of monks arrested in the course of the demonstrations. He had made several recommendations to the Government, including releasing all those arrested during the demonstrations and ensuring respect for human rights and the rule of law in the exercise of law enforcement.³¹ Both the Secretary-General and the Special Adviser noted that a united Security Council would give important support to the Secretary-General's good offices efforts to help Myanmar achieve national reconciliation, democratization and full respect for human rights.³²

Most speakers deplored the events in Myanmar and advocated a peaceful solution through inclusive dialogue. They also expressed support for the Special Adviser's visit.

Many speakers stressed the need for the Council to give its full and unified support to the good offices efforts.³³ Some speakers called explicitly or implicitly for a presidential statement capturing the common concerns of the Council.³⁴ A number of speakers acknowledged the role played by China in supporting the visit of the Special Adviser.³⁵

The representative of Slovakia noted that the deteriorating situation in Myanmar could become a regional threat.³⁶ The representatives of Belgium, France and Italy noted the strengthening of the targeted sanctions adopted against the leadership of Myanmar by the European Union.³⁷ The representative of the United States cautioned that his country was prepared to introduce a draft resolution in the Council imposing sanctions.³⁸

The representative of Indonesia informed the Council that ASEAN had expressed concern, "indeed revulsion", over the developments in Myanmar and had called on the Government to desist from the use of force and seek a political resolution.³⁹ The representative of Panama argued that any gesture undertaken by the Council should reflect the positions of ASEAN and the Human Rights Council.⁴⁰

The representatives of China and Myanmar reiterated their positions that the situation in Myanmar did not represent a threat to international peace and security, and that the Council should refrain from any action that could interfere with the good offices efforts.⁴¹

At the 5757th meeting,⁴² on 11 October 2007, the President (Ghana) made a statement on behalf of the Council,⁴³ by which the Council, *inter alia*:

Welcomed the recent mission by the Special Adviser to the Secretary-General on Myanmar, Mr. Ibrahim Gambari, and reaffirmed its strong and unwavering support for the Secretary-General's good offices mission;

Strongly deplored the use of violence against peaceful demonstrations in Myanmar; emphasized the importance of the early release of all political prisoners and remaining detainees;

Stressed the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the direct support of the United Nations; encouraged the Government to

³¹ *Ibid.*, pp. 3-4.

³² *Ibid.*, p. 2 (Secretary-General) and p. 3 (Special Adviser).

³³ *Ibid.*, pp. 7-8 (Indonesia); pp. 10-11 (Belgium); p. 11 (South Africa); p. 14 (Qatar); p. 16 (Russian Federation); pp. 16-17 (Peru); p. 17 (Ghana); and pp. 18-20 (Singapore).

³⁴ *Ibid.*, pp. 6-7 (United Kingdom); p. 10 (France); p. 13 (United States); and p. 15 (Italy).

³⁵ *Ibid.*, p. 7 (United Kingdom); p. 12 (United States); p. 15 (Italy); and p. 20 (Singapore).

³⁶ *Ibid.*, p. 11.

³⁷ *Ibid.*, p. 9 (France); p. 10 (Belgium); and p. 15 (Italy).

³⁸ *Ibid.*, p. 13.

³⁹ *Ibid.*, p. 7.

⁴⁰ *Ibid.*, p. 16.

⁴¹ *Ibid.*, p. 9 (China) and p. 18 (Myanmar).

⁴² For 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 of the Charter.

⁴³ S/PRST/2007/37.

consider seriously Mr. Gambari's recommendations and proposals; and also called upon the Government to take all necessary measures to address the political, economic, humanitarian and human rights issues that were the concern of its people and emphasized that the future of Myanmar lay in the hands of all of its people;

Welcomed the public commitment by the Government of Myanmar to work with the United Nations and the appointment of a liaison officer with Daw Aung San Suu Kyi; and urged the Government and all parties concerned to cooperate fully with Mr. Gambari.

**Deliberations of 13 November 2007
(5777th meeting)**

At its 5777th meeting, on 13 November 2007, the Council heard a briefing by the Special Adviser to the Secretary-General on Myanmar, following which all Council members made statements, as did the representatives of Japan, Myanmar and Singapore.

The Special Adviser informed Council members about his visit to Myanmar, including, *inter alia*, information about the lifting of curfews, the withdrawal of military presence from the streets and the release of some detainees. He commented that while the Government had assured him that it intended to proceed with the drafting of a constitution and the holding of a referendum and elections, there was still a lack of clarity about the timing. He noted that he had not been able to meet with all the interlocutors requested, including General Than Shwe; but he had met with Daw Aung San Suu Kyi, although the Government had yet to provide assurances that it would lift the restrictions on her. Daw Aung San Suu Kyi had issued a statement through the Special Adviser on her commitment in the interest of the nation to work with the Government through meaningful and time-

bound dialogue, and on the role of the United Nations in that regard. Additionally, the Government of Myanmar had agreed to receive a visit from the Special Rapporteur on the situation of human rights in Myanmar and had agreed in principle to allow access to the remaining detainees by the International Committee of the Red Cross.⁴⁴

All speakers expressed support for the work of the Special Adviser. A number of representatives expressed concern about detentions and violence used by the military leadership. Some speakers regretted the expulsion of the Resident Coordinator. Several speakers advocated political dialogue, national reconciliation, respect for human rights and a transition towards democracy, and a few speakers emphasized that a return to the status quo ante was not an option. Many representatives welcomed the statement by Daw Aung San Suu Kyi and her readiness for dialogue.

Several speakers noted that the approach of the Myanmar authorities to the Special Adviser's mission had not been in line with the expectations of the Council.⁴⁵ Several speakers also referred to the important role of ASEAN.⁴⁶ The representatives of China and Myanmar maintained their positions that the situation was not a threat to international peace and security.⁴⁷

⁴⁴ S/PV.5777, pp. 2-5.

⁴⁵ *Ibid.*, p. 5 (United Kingdom); p. 7 (United States); p. 9 (Belgium); p. 11 (France); and p. 12 (Italy).

⁴⁶ *Ibid.*, p. 7 (South Africa, United States); p. 9 (Belgium); pp. 10-11 (China); pp. 13-14 (Russian Federation); pp. 14-15 (Peru); p. 15 (Congo); pp. 15-16 (Ghana); p. 16 (Qatar); pp. 16-17 (Indonesia); 18-20 (Singapore); p. 20 (Japan).

⁴⁷ *Ibid.*, p. 10 (China) and p. 18 (Myanmar).

27. Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 15 July 2006 (5490th meeting): resolution 1695 (2006)

By a letter dated 4 July 2006 addressed to the President of the Security Council (France),¹ the representative of Japan requested an emergency meeting of the Council to consider the launch of ballistic missiles or unidentified flying vehicles by the Democratic People's Republic of Korea.

At its 5490th meeting, on 15 July 2006, held in response to that request, the Council included in its agenda the item entitled "Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council". The President drew the attention of the Council to a letter from the representative of the United States,² which concurred with the request by Japan for an emergency meeting of the Council to consider the matter referred to in the letter dated 4 July 2006. The President also drew the attention of the Council to a letter from the representative of the Democratic People's Republic of Korea,³ which transmitted the answer of the spokesman for the Foreign Ministry of the Democratic People's Republic of Korea to a question raised by the Korean Central News Agency with regard to the recent missile launches. In the letter, the spokesman stated that the missile launches were part of the routine military exercises staged by the Korean's Peoples Army to increase the military capacity of the nation for self-defence. He maintained that his country's exercise of its legitimate right as a sovereign State was bound neither to any international law nor to bilateral or multilateral agreements.

Statements were made by several members of the Council and the representatives of the Democratic People's Republic of Korea and the Republic of Korea.⁴ The President then drew the attention of the

Council to a draft resolution;⁵ it was put to the vote and adopted unanimously as resolution 1695 (2006), by which the Council, *inter alia*:

Condemned the multiple launches by the Democratic People's Republic of Korea of ballistic missiles on 5 July 2006;

Demanded that the Democratic People's Republic of Korea suspend all activities related to its ballistic missile programme;

Required all Member States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile-related items, materials, goods and technology being transferred to Democratic People's Republic of Korea's missile or weapons of mass destruction programmes; and also required all Member States to prevent their procurement, and the transfer of any financial resources in relation to the Democratic People's Republic of Korea's missile or weapons of mass destruction programmes;

Strongly urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition;

Supported the six-party talks, called for their early resumption, and urged all the participants to intensify their efforts for the full implementation of the joint statement of 19 September 2005 with a view to achieving the verifiable denuclearization of the Korean peninsula in a peaceful manner and to maintaining peace and stability on the Korean peninsula and in north-east Asia.

Several speakers stated that the launching of the missiles by the Democratic People's Republic of Korea was a matter of concern for international peace and security.⁶ Some speakers warned that the situation was especially grave since the Democratic People's Republic of Korea had been developing its nuclear weapons capabilities.⁷ A number of speakers also called on the Democratic People's Republic of Korea to return to the six-party talks.⁸

¹ S/2006/481.

² S/2006/482.

³ S/2006/493.

⁴ The representatives of the Congo, Denmark, Ghana, Greece, Peru, Qatar and Slovakia did not make statements.

⁵ S/2006/488.

⁶ S/PV.5490, pp. 2-4 (Japan); pp. 4-5 (United States); p. 5 (China); pp. 5-6 (United Kingdom); p. 6 (Russian Federation); pp. 6-7 (Argentina); and p. 7 (France).

⁷ *Ibid.*, pp. 2-4 (Japan); pp. 4-5 (United States); pp. 5-6 (United Kingdom); and p. 7 (France).

⁸ *Ibid.*, pp. 2-4 (Japan); p. 5 (China); p. 6 (Russian Federation); p. 7 (France); and p. 9 (Republic of Korea).

The representative of Japan welcomed resolution 1695 (2006), which had sent a strong and unmistakable message to the Democratic People's Republic of Korea. He explained that the launching of the missiles was a direct threat to the security of Japan, which was far more serious in the light of the fact that the Democratic People's Republic of Korea claimed to have developed nuclear weapons and was a leading proliferator of ballistic missiles and related technologies. He also urged the Democratic People's Republic of Korea to cease all of its work on nuclear-related activities and encouraged other States to exercise vigilance and prevent missile-related items from being transferred to and from the Democratic People's Republic of Korea.⁹

The representative of the United States stated that the Democratic People's Republic of Korea had violated several international commitments through its actions, which constituted a direct threat to international peace and security. He welcomed the "clear, firm and unanimous" action of the Council, which he contrasted with the "weak and feckless response" of the Council to a similar missile launch by the Democratic People's Republic of Korea in 1998. He explained that resolution 1695 (2006) had sent an "unequivocal, unambiguous and unanimous message to Pyongyang" to suspend its ballistic missile programme, stop its procurement of materials related to weapons of mass destruction and implement the September 2005 commitment to verifiably dismantle its nuclear weapons and existing nuclear weapons programme. He urged other States to do what they could to prevent the transfer of missile-related and weapons of mass destruction-related material to the Democratic People's Republic of Korea. He advised the Democratic People's Republic of Korea to end its "games of brinkmanship," which had made the country less, not more, secure. He concluded by asserting that if the Democratic People's Republic of Korea did not comply with the resolution, the United States and other Member States would return to the Council for further action.¹⁰

The representative of China welcomed the resolution and noted that the launch by the Democratic People's Republic of Korea of a number of missiles "without adequate advance notification" had caused extensive concern in the international community. He stated that China had always been committed to

maintaining peace and security on the Korean peninsula and that China had insisted on resolving the issues through peaceful dialogue, and opposed any acts leading to tension on the Korean peninsula. He stated that China had two primary objectives: to maintain peace and stability on the Korean peninsula and to keep the Council united. In that regard, he explained that China and the Russian Federation had put forward elements for a draft presidential statement and resolution, and had made vigorous efforts to seek consensus on the issue. He stated that his country was opposed to forcing through a vote on a draft resolution that was not conducive to unity and that would have further complicated and aggravated the situation. He hoped that the resolution adopted would help all the parties concerned to act in a calm manner and to continue diplomatic efforts aimed at denuclearization of the peninsula and the normalization of relations between the countries concerned.¹¹

The representative of the Russian Federation expressed serious concern over the missile launch by the Democratic People's Republic of Korea. He stated that the reaction of the Council should be firm, but at the same time carefully calibrated and weighed. He cautioned against the heightening of emotions and the threatening of the Democratic People's Republic of Korea with isolation. He stated that the Democratic People's Republic of Korea needed to resume its moratorium on ballistic missile testing and the negotiations on its nuclear weapons programme. He also noted that the text of the resolution had been a compromise that his country, along with China, had made with Japan, the United States and the other sponsors, but he believed it would send an appropriate signal to the Democratic People's Republic of Korea on the need to show restraint and abide by its obligations regarding missiles.¹²

The representative of the United Republic of Tanzania expressed hope that the message sent by the resolution would engender a spirit of dialogue and cooperation in order to allow for an environment of peace and security in north-east Asia.¹³

The representative of France explained that the launching of the missiles by the Democratic People's Republic of Korea had seriously endangered security in north-east Asia for several reasons. They included the

⁹ Ibid., pp. 2-4.

¹⁰ Ibid., pp. 4-5.

¹¹ Ibid., p. 5.

¹² Ibid., p. 6.

¹³ Ibid., p. 7.

fact that the Democratic People's Republic of Korea had declared it had developed nuclear weapons and had not joined the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; that it was attempting to increase the range of its missiles that could carry such weapons; and that it was the main ballistic proliferator in the world, particularly in areas of tension. The combination of those factors had made the missile tests a matter which threatened the security of the entire international community. He also explained that the meaning of resolution 1695 (2006) was that the Council had a duty to condemn the missile tests and to mobilize so as to prevent the Democratic People's Republic of Korea from developing its missile and weapons of mass destruction programmes. The representative also welcomed the unanimity of the resolution as a significant development in the efforts of the Council to combat proliferation.¹⁴

The representative of the Democratic People's Republic of Korea stated it was "unjustifiable and gangster-like" for the Council to debate the missile launch exercise of the Democratic People's Republic of Korea, both in view of the competence of the Council and under international law. He condemned the fact that some States had misused the Council for the "despicable political aim of isolating and pressuring the Democratic People's Republic of Korea." In short, he stated that the Democratic People's Republic of Korea totally rejected resolution 1695 (2006). He explained that the missile launches had been part of a routine military exercise and an expression of his country's legitimate right as a sovereign State to increase its capacity for self-defence — a right which was bound neither to any international law nor to bilateral or multilateral agreements. He explained that the moratorium on long-range missile test flights was valid only when the dialogue between the Democratic People's Republic of Korea and the United States was under way, but since the Administration of President George W. Bush had "totally scuttled" the bilateral dialogue, the moratorium agreement was void. He explained that the same could be said regarding the moratorium agreement on long-range test firing between the Democratic People's Republic of Korea and Japan: that the agreement was rendered void because Japan had "not honoured its commitments" under the agreement and had "internationalized the

¹⁴ Ibid., p. 7.

abduction issue". Similarly, the September 2005 agreement from the six-party talks to denuclearize the Korean peninsula was also rendered void because the United States had applied financial sanctions on his country and threatened it with large-scale military exercises. He explained that the motive of the missile launch by the Democratic People's Republic of Korea was to deter the United States and to keep the balance of forces and preserve peace and stability in north-east Asia, especially in the light of the fact that the United States had declared his country as part of an "axis of evil" susceptible to a pre-emptive nuclear attack. He asserted that it would be "quite foolish to notify Washington and Tokyo" of missile launches in advance, given that the United States, which was technically at war with his country, had threatened to intercept his country's missiles, in collusion with Japan. He ended by noting that the Democratic People's Republic of Korea remained unchanged in its will to denuclearize the Korean peninsula in a negotiated, peaceful manner and that the Korean People's Army would go on with missile launch exercises as part of its efforts to bolster deterrence for self-defence in the future.¹⁵

The representative of the Republic of Korea expressed regret over the decision of the Democratic People's Republic of Korea to launch the missiles. He argued that the action had adversely affected inter-Korean relations and he urged the Democratic People's Republic of Korea to return to six-party talks and comply with international efforts for non-proliferation.¹⁶

**Decision of 6 October 2006 (5546th meeting):
statement by the President**

At the 5546th meeting, on 6 October 2006, the President (Japan) made a statement on behalf of the Council,¹⁷ by which the Council, inter alia:

Expressed its deep concern over the statement of 3 October 2006 by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, in which it stated that the Democratic People's Republic of Korea would conduct a nuclear test in the future;

Underlined that such a test would bring universal condemnation by the international community; urged the Democratic People's Republic of Korea not to undertake such a test and to refrain from any action that might aggravate tension, to work on the resolution of non-proliferation concerns and to

¹⁵ Ibid., pp. 8-9.

¹⁶ Ibid., p. 9.

¹⁷ S/PRST/2006/41.

facilitate a peaceful and comprehensive solution through political and diplomatic efforts; and reiterated the need for the Democratic People's Republic of Korea to comply fully with all the provisions of Security Council resolution 1695 (2006);

Urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition, and to work towards the expeditious implementation of the joint

statement of 19 September 2005, and in particular to abandon all nuclear weapons and existing nuclear programmes;

Stressed that a nuclear test, if carried out by the Democratic People's Republic of Korea, would represent a clear threat to international peace and security and that, should the Democratic People's Republic of Korea ignore calls of the international community, the Council would act consistent with its responsibility under the Charter.

28. Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council

Initial proceedings

Decision of 1 December 2006 (5576th meeting): statement by the President

At its 5576th meeting, on 1 December 2006, in which the representative of Nepal was invited to participate, the Security Council included in its agenda, without objection, the item entitled "Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council".¹

In the letter, with regard to the peace process in Nepal and the request for United Nations assistance in that process, the Secretary-General reported that the peace talks between the Seven-Party Alliance forming the Government of Nepal and the Communist Party of Nepal (Maoist) had led to the successful conclusion of an agreement on 8 November 2006, which had been consolidated by a Comprehensive Peace Agreement, signed on 21 November 2006. In that agreement, the parties had agreed on the basic arrangements for the cantonment of the combatants of the Maoist People's Liberation Army and the storage of the arms and munitions of both sides. The Comprehensive Peace Agreement declared the commitment of the parties to transform the existing ceasefire into permanent peace.

Referring to the letter dated 9 August 2006 from the Prime Minister of Nepal,² the letter of the same date from the Chairman of the Communist Party of Nepal (Maoist)³ and the letter dated 16 November 2006 from the Deputy Prime Minister and Minister for Foreign Affairs of Nepal,⁴ the Secretary-General noted

that the United Nations had been requested to, inter alia, monitor the management of arms and armed personnel by providing qualified monitors supported by appropriate technical capacity. The scope and nature of that assistance, with a view to creating an atmosphere conducive to free and fair elections for the Constituent Assembly, was in the consultation phase between the Personal Representative of the Secretary-General and the concerned parties. The Secretary-General stated that, prior to such an assessment, it was imperative that the United Nations be in a position to support the peace process during the interim phase by predeploying an appropriate presence in the field as soon as possible, and should his intent to proceed accordingly.

The President (Qatar) made a statement on behalf of the Council, by which the Council, inter alia:

Warmly welcomed the signing on 21 November 2006 by the Government of Nepal and the Communist Party of Nepal (Maoist) of a Comprehensive Peace Agreement, and the stated commitment of both parties to transforming the existing ceasefire into a permanent peace;

Noted the request of the parties for United Nations assistance in implementing key aspects of the Agreement, in particular monitoring of arrangements relating to the management of arms and armed personnel of both sides and election monitoring; agreed that the United Nations should respond positively and expeditiously to that request for assistance;

Stood ready to consider the formal proposals of the Secretary-General as soon as the technical assessment was complete.

¹ S/2006/920.

² S/2006/920, annex I.

³ Ibid., annex II.

⁴ Ibid., annex III.

**Decision of 23 January 2007 (5622nd meeting):
resolution 1740 (2007)**

At its 5622nd meeting, on 23 January 2007, in which the representative of Nepal was invited to participate, the Council included in its agenda the report of the Secretary-General dated 9 January 2007 on the request of Nepal for United Nations assistance in support of its peace process.⁵ In his report, the Secretary-General observed that the internal armed conflict in Nepal, between government forces and the Communist Party of Nepal (Maoist), had begun in 1996 and had ended with the signing of the Comprehensive Peace Agreement on 21 November 2006, which consolidated the 12-point understanding signed in November 2005 between the Seven-Party Alliance of parliamentary parties and the Communist Party of Nepal (Maoist) vowing to “establish absolute democracy by ending autocratic monarchy”. On the basis of the requests contained in the above-mentioned letter,⁶ the Secretary-General had dispatched a multidisciplinary assessment mission to Nepal from 9 to 17 December 2006 to develop an integrated concept of operations for a United Nations political mission in Nepal. Plans were also developed for the rapid deployment of up to 35 monitors and 25 electoral personnel as approved by the Council in its presidential statement of 1 December 2006. On the basis of the findings of the assessment mission, the Secretary-General recommended that a special political mission, the United Nations Mission in Nepal (UNMIN), be established for a period of 12 months until after the implementation of the results of the 2007 Constituent Assembly election. The main components of the Mission were related to the areas of support for the Comprehensive Peace Agreement, as requested by the parties. Core assistance to the peace process was to be provided through monitoring of the management of arms and armies, monitoring of the

ceasefire arrangements and support to the Constituent Assembly election. As the concerned parties had called for assistance in creating a free and fair atmosphere for the Constituent Assembly election by monitoring the non-military aspects of the ceasefire arrangements, the Secretary-General underscored the need for close coordination between the well-established Office of the High Commissioner for Human Rights (OHCHR) and the monitoring functions of UNMIN in Nepal. Consistent with the principle of an integrated approach, the Mission would establish a coordination unit whose main function would be to ensure strategic coherence and operational cooperation among members of the United Nations family and donors in Nepal.

At the meeting, the President (Russian Federation) drew the attention of the Council to a draft resolution;⁷ it was put to the vote and adopted unanimously and without debate as resolution 1740 (2007), by which the Council, *inter alia*:

Decided to establish a United Nations political mission in Nepal (UNMIN) under the leadership of a Special Representative of the Secretary-General and with the following mandate: (a) to monitor the management of arms and armed personnel of both sides; (b) to assist the parties through a Joint Monitoring Coordinating Committee in implementing their agreement; (c) to assist in the monitoring of the ceasefire arrangements; (d) to provide technical support for the planning, preparation and conduct of the election of a Constituent Assembly; and (e) to provide a small team of electoral monitors to review all technical aspects of the electoral process, and report on the conduct of the election;

Decided also that the mandate of UNMIN should be for a period of 12 months;

Requested the Secretary-General to keep the Council regularly informed of progress in implementing the resolution;

Requested the parties in Nepal to take the necessary steps to promote the safety, security and freedom of movement of UNMIN and associated personnel in executing the tasks defined in the mandate.

⁵ S/2007/7, submitted pursuant to the presidential statement of 1 December 2006 (S/PRST/2006/49).

⁶ See S/2006/920.

⁷ S/2007/30.

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Note

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Introduction

The present publication constitutes the fifteenth 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 4892nd meeting, held on 12 January 2004, to the 5816th meeting, on 27 December 2007.

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 issue. 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 2004-2007, and the meetings at which they were considered, are presented in a table hereunder according to region or thematic issue.*

* * *

Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as S/2006/568. References to the verbatim records of meetings of the Council are given in the form S/PV.5710, 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 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 1650 (2005). Since 1994,

* For the table, see volume I, introduction.

statements by the President have been identified by the prefix S/PRST/- followed by four digits representing the year in which the statement was released. A new numbering sequence is established at the beginning of each calendar year.

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Members of the Security Council, 2004-2007

| <i>Member</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---------------------------|-------------|-------------|-------------|-------------|
| Algeria | • | • | | |
| Angola | • | | | |
| Argentina | | • | • | |
| Belgium | | | | • |
| Benin | • | • | | |
| Brazil | • | • | | |
| Chile | • | | | |
| China (permanent member) | • | • | • | • |
| Congo | | | • | • |
| Denmark | | • | • | |
| France (permanent member) | • | • | • | • |
| Germany | • | | | |
| Ghana | | | • | • |
| Greece | | • | • | |
| Indonesia | | | | • |
| Italy | | | | • |
| Japan | | • | • | |
| Pakistan | • | | | |
| Panama | | | | • |

| <i>Member</i> | <i>2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> |
|---|-------------|-------------|-------------|-------------|
| Peru | | | • | • |
| Philippines | • | • | | |
| Qatar | | | • | • |
| Romania | • | • | | |
| Russian Federation (permanent member) | • | • | • | • |
| Slovakia | | | • | • |
| South Africa | | | | • |
| Spain | • | | | |
| United Kingdom of Great Britain and Northern Ireland (permanent member) | • | • | • | • |
| United Republic of Tanzania | | • | • | |
| United States of America (permanent member) | • | • | • | • |

Items considered by the Security Council at formal meetings, 2004-2007

Agenda item

Africa

The situation concerning Western Sahara

9 meetings (4905, 4957, 5068, 5170, 5295, 5431, 5560, 5669, 5773)

The situation in Liberia

21 meetings (4925, 4981, 4991, 5036, 5105, 5208, 5263, 5304, 5336, 5389, 5406, 5454, 5468, 5487, 5542, 5602, 5652, 5668, 5699, 5745, 5810)

The situation in Somalia

26 meetings (4915, 5003, 5022, 5064, 5083 [held in Nairobi], 5135, 5142, 5227, 5280, 5302, 5387, 5435, 5486, 5535, 5575, 5579, 5611, 5614, 5633, 5671, 5695, 5707, 5720, 5732, 5805, 5812)

The situation concerning Rwanda

1 meeting (5650)

The situation in Burundi

21 meetings (4975, 5021, 5042, 5093, 5141, 5184, 5193, 5203, 5207, 5252, 5268, 5311, 5341, 5394, 5479, 5554, 5678, 5686, 5786, 5793, 5809)

The situation in Sierra Leone

13 meetings (4938, 5037, 5185, 5186, 5219, 5254, 5334, 5467, 5608, 5690, 5708, 5804, 5813)

The situation in the Great Lakes region

7 meetings (5065, 5359, 5566, 5603, 5637, 5644, 5783)

The situation concerning the Democratic Republic of the Congo

42 meetings (4894, 4926, 4969, 4985, 4994, 5011, 5014, 5048, 5095, 5133, 5155, 5162, 5163, 5218, 5226, 5243, 5255, 5272, 5275, 5296, 5340, 5356, 5360, 5408, 5421, 5480, 5502, 5504, 5533, 5541, 5562, 5580, 5610, 5616, 5630, 5653, 5660, 5674, 5721, 5726, 5730, 5814)

The situation in the Central African Republic

4 meetings (5067, 5232, 5558, 5572)

Items relating to peace and security in Africa

The situation in Africa

5 meetings (5043, 5331, 5525, 5571, 5655)

Africa's food crisis as a threat to peace and security

1 meeting (5220)

Agenda item

Peace and security in Africa

1 meeting (5749)

The situation between Eritrea and Ethiopia

17 meetings (4924, 5032, 5139, 5259, 5276, 5308, 5317, 5326, 5380, 5384, 5410, 5437, 5450, 5540, 5626, 5725, 5778)

The situation in Guinea-Bissau

6 meetings (4992, 5069, 5107, 5157, 5248, 5762)

The situation in Côte d'Ivoire

53 meetings (4909, 4918, 4959, 4977, 5018, 5072, 5078, 5103, 5118, 5152, 5159, 5169, 5173, 5194, 5213, 5221, 5253, 5278, 5279, 5281, 5283, 5288, 5314, 5318, 5327, 5350, 5354, 5366, 5378, 5399, 5400, 5426, 5427, 5428, 5442, 5451, 5491, 5505, 5524, 5555, 5561, 5591, 5592, 5606, 5617, 5651, 5676, 5700, 5711, 5712, 5716, 5765, 5772)

Items relating to West Africa

Cross-border issues in West Africa

2 meetings (4933, 5131)

Peace consolidation in West Africa

1 meeting (5509)

Decision of the Libyan Arab Jamahiriya to abandon its weapons of mass destruction programmes

1 meeting (4949)

Items relating to the Sudan

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1 meeting (4978)

Reports of the Secretary-General on the Sudan

68 meetings (4988, 5015, 5027, 5040, 5046, 5050, 5071, 5080-5082 [held in Nairobi], 5094, 5109, 5119, 5120, 5125, 5137, 5143, 5151, 5153, 5154, 5158, 5176, 5177, 5216, 5217, 5231, 5245, 5269, 5277, 5321, 5322, 5342, 5344, 5345, 5364, 5392, 5396, 5402, 5409, 5413, 5414, 5422, 5423, 5434, 5439, 5459, 5460, 5517, 5519, 5520, 5528, 5532, 5543, 5545, 5589, 5590, 5598, 5670, 5684, 5687, 5688, 5727, 5750, 5752, 5768, 5774, 5784, 5789)

Security Council meetings in Nairobi

1 meeting (5063)

Items relating to the African Union

Institutional relationship with the African Union

1 meeting (5084 [held in Nairobi])

Briefing by the Chairman of the African Union

2 meetings (5448, 5449)

Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda

2 meetings (5415, 5416)

The situation in Chad and the Sudan

4 meetings (5425, 5441, 5595, 5621)

The situation in Chad, the Central African Republic and the subregion

2 meetings (5734, 5748)

Americas

The question concerning Haiti

21 meetings (4917, 4919, 4961, 5030, 5090, 5110, 5164, 5192, 5196, 5210, 5284, 5285, 5343, 5368, 5372, 5377, 5397, 5438, 5513, 5631, 5758)

Asia

The situation in Timor-Leste

24 meetings (4913, 4965, 4968, 5024, 5076, 5079, 5132, 5171, 5180, 5251, 5351, 5432, 5436, 5445, 5457, 5469, 5512, 5514, 5516, 5628, 5634, 5682, 5739, 5740)

The situation in Afghanistan

35 meetings (4893, 4931, 4937, 4941, 4979, 5004, 5025, 5038, 5045, 5055, 5056, 5073, 5108, 5145, 5148, 5215, 5249, 5260, 5309, 5347, 5348, 5369, 5370, 5374, 5385, 5393, 5496, 5521, 5548, 5641, 5645, 5680, 5718, 5744, 5760)

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

3 meetings (4962, 5201, 5222)

The situation in Myanmar

5 meetings (5526, 5619, 5753, 5757, 5777)

Agenda item

Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

2 meetings (5490, 5546)

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council

2 meetings (5576, 5622)

Europe

The situation in Cyprus

13 meetings (4940, 4947, 4954, 4986, 4989, 5061, 5202, 5211, 5324, 5465, 5593, 5696, 5803)

Items relating to the situation in the former Yugoslavia

The situation in Bosnia and Herzegovina

15 meetings (4920, 4997, 5001, 5075, 5085, 5147, 5306, 5307, 5412, 5563, 5567, 5675, 5713, 5780, 5782)

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

20 meetings (4910, 4928, 4942, 4960, 4967, 5017, 5089, 5130, 5188, 5289, 5290, 5373, 5470, 5485, 5522, 5531, 5588, 5640, 5654, 5811)

The situation in Georgia

20 meetings (4904, 4906, 4916, 4958, 5013, 5116, 5144, 5174, 5238, 5242, 5358, 5363, 5405, 5483, 5549, 5623, 5658, 5661, 5724, 5759)

Briefings by the Chairman-in-Office of the Organization for Security and Cooperation in Europe

4 meetings (4964, 5134, 5346, 5751)

Middle East

The situation in the Middle East

United Nations Disengagement Observer Force

8 meetings (4998, 5101, 5205, 5339, 5456, 5596, 5698, 5802)

United Nations Interim Force in Lebanon and developments in the Israel-Lebanon sector

19 meetings (4907, 5012, 5117, 5241, 5362, 5489, 5492, 5497, 5498, 5499, 5501, 5503, 5508, 5511, 5586, 5664, 5704, 5728, 5733)

Agenda item

Security Council resolution 1559 (2004)

16 meetings (5028, 5058, 5122, 5160, 5172, 5175, 5197, 5212, 5320, 5352, 5417, 5418, 5440, 5559, 5691, 5799)

Security Council resolution 1595 (2005)

20 meetings (5122, 5292, 5297, 5323, 5329, 5388, 5401, 5458, 5461, 5539, 5569, 5597, 5642, 5648, 5685, 5694, 5719, 5747, 5790, 5800)

Report of the Secretary-General on the Middle East

1 meeting (5584)

The situation in the Middle East, including the Palestinian question

62 meetings (4895, 4912, 4927, 4929, 4934, 4945, 4951, 4972, 4974, 4995, 5002, 5019, 5039, 5049, 5051, 5060, 5077, 5102, 5111, 5126, 5128, 5136, 5149, 5166, 5181, 5206, 5230, 5250, 5270, 5287, 5312, 5313, 5337, 5361, 5365, 5381, 5404, 5411, 5419, 5443, 5472, 5481, 5488, 5493, 5515, 5530, 5552, 5564, 5565, 5568, 5624, 5629, 5638, 5667, 5683, 5701, 5723, 5736, 5746, 5767, 5788, 5815)

Items relating to Iraq

The situation between Iraq and Kuwait

19 meetings (4897, 4914, 4930, 4944, 4946, 4952, 4953, 4971, 4982, 4984, 4987, 5020, 5033, 5047, 5092, 5099, 5123, 5124, 5161)

The situation concerning Iraq

27 meetings (5189, 5190, 5204, 5214, 5247, 5256, 5266, 5267, 5300, 5301, 5325, 5371, 5386, 5444, 5463, 5464, 5510, 5523, 5574, 5583, 5639, 5681, 5693, 5710, 5729, 5763, 5808)

Thematic issues

Items relating to the International Criminal Tribunals

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 and 31 December 1994

10 meetings (4935, 4999, 5016, 5086, 5199, 5328, 5453, 5594, 5697, 5796)

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

11 meetings (5057, 5112, 5140, 5165, 5195, 5236, 5273, 5382, 5407, 5742, 5785)

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

4 meetings (5455, 5518, 5550, 5741)

Children and armed conflict

6 meetings (4898, 4948, 5129, 5235, 5494, 5573)

Threats to peace and security caused by international terrorist acts

41 meetings (4892, 4908, 4921, 4923, 4936, 4939, 4966, 4976, 5006, 5026, 5031, 5053, 5059, 5104, 5113, 5223, 5224, 5239, 5240, 5244, 5246, 5261, 5274, 5298, 5303, 5338, 5424, 5446, 5477, 5484, 5600, 5609, 5659, 5662, 5714, 5738, 5754, 5764, 5795, 5798, 5816)

Protection of civilians in armed conflict

10 meetings (4990, 5100, 5209, 5319, 5430, 5476, 5577, 5613, 5703, 5781)

Small arms

4 meetings (4896, 5127, 5390, 5709)

General issues relating to sanctions

3 meetings (5507, 5599, 5605)

Items relating to the maintenance of international peace and security

The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead

1 meeting (5225)

The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations

1 meeting (5228)

The maintenance of international peace and security: role of the Security Council in supporting security sector reform

1 meeting (5632)

Maintenance of international peace and security

1 meeting (5705)

Women and peace and security

5 meetings (5066, 5294, 5556, 5636, 5766)

Post-conflict national reconciliation: role of the United Nations

1 meeting (4903)

Items relating to business and civil society

The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding

1 meeting (4943)

Role of civil society in post-conflict peacebuilding

1 meeting (4993)

The role of civil society in conflict prevention and the pacific settlement of disputes

1 meeting (5264)

Items relating to non-proliferation

Non-proliferation of weapons of mass destruction

5 meetings (4950, 4956, 5097, 5429, 5635)

Non-proliferation

8 meetings (5403, 5500, 5612, 5646, 5647, 5702, 5743, 5807)

Non-proliferation/Democratic People's Republic of Korea

2 meetings (5551, 5618)

Items relating to peacekeeping

United Nations peacekeeping operations

4 meetings (4970, 5191, 5376, 5379)

Strengthening cooperation with troop-contributing countries

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

8 meetings (4983, 5054, 5198, 5316, 5447, 5582, 5689, 5794)

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

8 meetings (4996, 5098, 5200, 5330, 5452, 5587, 5692, 5797)

Agenda item

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

9 meetings (4902, 4955, 5062, 5167, 5291, 5420, 5553, 5665, 5770)

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

7 meetings (4901, 5008, 5115, 5233, 5355, 5495, 5731)

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

9 meetings (4900, 5010, 5114, 5234, 5357, 5398, 5544, 5657, 5756)

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

3 meetings (4932, 5035, 5333)

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

7 meetings (5009, 5023, 5146, 5271, 5537, 5656, 5787)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Support in East Timor pursuant to resolution 1353 (2001), annex II, sections A and B

3 meetings (4963, 5074, 5179)

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

10 meetings (4922, 5029, 5138, 5257, 5286, 5383, 5433, 5536, 5620, 5722)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B

6 meetings (5034, 5258, 5395, 5534, 5643, 5737)

Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Côte d'Ivoire pursuant to resolution 1353 (2001), annex II, sections A and B

4 meetings (5150, 5349, 5585, 5715)

Meeting of the Security Council with the troop-contributing countries to the United Nations Stabilization Mission in Haiti pursuant to resolution 1353 (2001), annex II, sections A and B

6 meetings (5087, 5183, 5367, 5506, 5625, 5755)

Agenda item

Meeting of the Security Council with the troop-contributing countries to the United Nations Operation in Burundi pursuant to resolution 1353 (2001), annex II, sections A and B

4 meetings (5182, 5310, 5475, 5604)

Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in the Sudan pursuant to resolution 1353 (2001), annex II, sections A and B

5 meetings (5265, 5391, 5527, 5666, 5771)

Complex crises and United Nations response

1 meeting (4980)

Items relating to the role of regional and subregional organizations in the maintenance of international peace and security

Cooperation between the United Nations and regional organizations in stabilization processes

1 meeting (5007)

Cooperation between the United Nations and regional organizations in maintaining peace and security

2 meetings (5282, 5529)

Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

1 meeting (5649)

The role of regional and subregional organizations in the maintenance of international peace and security

1 meeting (5776)

Civilian aspects of conflict management and peacebuilding

1 meeting (5041)

Items relating to the rule of law

Justice and the rule of law: the United Nations role

1 meeting (5052)

Strengthening international law: rule of law and maintenance of international peace and security

1 meeting (5774)

Post-conflict peacebuilding

4 meetings (5187, 5335, 5627, 5761)

Threats to international peace and security

1 meeting (5615)

Letter dated 5 April 2007 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

1 meeting (5663)

Security Council mission

21 meetings (4899, 4911, 5000, 5005, 5091, 5096, 5178, 5305, 5315, 5462, 5466, 5478, 5482, 5570, 5581, 5672, 5673, 5706, 5717, 5791, 5801)

Briefings

Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe

4 meetings (4964, 5134, 5346, 5751)

Briefing by the United Nations High Commissioner for Refugees

2 meetings (4973, 5353)

Briefings by Chairmen of subsidiary bodies of the Security Council

11 meetings (5106, 5168, 5229, 5293, 5332, 5375, 5538, 5601, 5679, 5779, 5806)

Briefing by the Chairman of the African Union

2 meetings (5448, 5449)

Briefing by the President of the International Court of Justice

2 meetings (5557, 5775)

Briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator

1 meeting (5792)

Other matters considered by the Security Council

Admission of new Members

2 meetings (5471, 5473)

Date of election to fill a vacancy in the International Court of Justice

1 meeting (5070)

Agenda item

Election of a member of the International Court of Justice

1 meeting (5121)

Election of five members of the International Court of Justice

1 meeting (5299)

Consideration of the draft report of the Security Council to the General Assembly

4 meetings (5044, 5262, 5578, 5769)

Chapter VIII (continued)

Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security

Europe

29. The situation in Cyprus

Decision of 21 April 2004 (4947th meeting): rejection of a draft resolution

At its 4940th meeting, on 2 April 2004, at which no statements were made, the Security Council heard a briefing by the Special Adviser to the Secretary-General on Cyprus on the Secretary-General's mission of good offices.¹ The Special Adviser recalled that on 13 February 2004 the two parties in Cyprus had agreed to resume negotiations on the basis of the Secretary-General's plan to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referendums before the accession of Cyprus to the European Union on 1 May 2004. To that end, the parties had committed themselves in a first phase to seek to agree on changes and to complete the plan in all respects by 22 March within the framework of the Secretary-General's mission of good offices. The parties had further agreed that, in the absence of such agreement, the Secretary-General would convene a meeting of the two sides, with the participation of Greece and Turkey, in a concentrated effort to agree on a finalized text by 29 March. As a final resort, in the event of a continuing and persistent deadlock, the parties had invited the Secretary-General to use his discretion to finalize the text to be submitted to referendums on the basis of his plan. The Special Adviser reminded the members of the Council that the process was based on the conditions laid down by the Secretary-General in his report of 1 April 2003² to resume his good offices, which had received the support of the Council in resolution 1475 (2003). That process had resulted in a finalized text ("Basis for an agreement on a comprehensive settlement of the Cyprus problem"), which had been presented by the

Secretary-General at negotiations in Bürgenstock, Switzerland, on 31 March 2004 and would go to referendum on 24 April 2004.³

The Special Adviser emphasized that while the plan had been finalized, as a last resort, by the Secretary-General, it was not an invention of the Secretary-General. He stressed that the plan embodied the key concepts and trade-offs that had emerged from a long process of negotiation. For a detailed explanation of the main points of the plan, he referred the members of the Council to the report of the Secretary-General of 1 April 2003,² in which the Secretary-General had stated that the plan provided for a United Cyprus Republic with a single sovereignty, international personality and citizenship, which would comprise two politically equal constituent states, the Greek Cypriot State and the Turkish Cypriot State, to be joined together in a bicomunal, bizonal federation. As a constitutive act for a reunified Cyprus, the plan required the holding of separate simultaneous referendums by the Greek Cypriot and Turkish Cypriot populations.

The Special Adviser reminded the members of the Council that there were six appendices to the agreement on a comprehensive settlement of the Cyprus problem: a foundation agreement, with annexes, including a constitution for a United Cyprus Republic; constitutions of the Greek Cypriot and Turkish Cypriot constituent States; a treaty on matters related to the new state of affairs in Cyprus; a draft act of adaptation of the terms of accession of the United Cyprus Republic to the European Union; matters to be submitted to the Security Council for decision; and measures to be taken during April 2004. The Special Adviser then summarized the main improvements made to the plan since the issuance of the Secretary-General's report of 1 April 2003, which included the supervision of transfer of territory by the United Nations, the schedule for withdrawal of Greek and Turkish troops from the island and the mandate of the future United Nations operation in Cyprus.

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 Peacekeeping Force in Cyprus, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 7 June 2004 (4983rd), 8 October 2004 (5054th), 9 June 2005 (5198th), 7 December 2005 (5316th), 31 May 2006 (5447th), 8 December 2006 (5582nd), 8 June 2007 (5689th) and 7 December 2007 (5794th).

² S/2003/398.

³ The plan, in the version presented by the Secretary-General on 31 March 2004, was not issued as a document of the Security Council.

The Special Adviser also drew the Council's attention to the steps that needed to be taken in April so that the plan could enter into force on 29 April 2004 as envisioned, should both populations agree to it during the referendums. Those steps included some final technical work of the parties; the written confirmation of the guarantor Powers of Greece, Turkey and the United Kingdom that they agreed to the foundation agreements being submitted to referendums and that, upon approval of the foundation agreement and completion of their internal ratification procedures, they would sign the treaty on matters related to the new state of affairs in Cyprus contained in the plan; the adoption of the act of adaptation of the terms of the accession of Cyprus to the European Union by the Council of the European Union to make way for a reunited Cyprus to accede to the European Union; and the approval by the Security Council of a substantially revised mandate for the United Nations operation in Cyprus. The Special Adviser stressed that the Secretary-General believed that the plan was fair and balanced and hoped that the people on each side would agree.⁴

On 16 April 2004, the Secretary-General submitted a report on Cyprus, focusing on his mission of good offices.⁵ He recalled that, despite the fact that an opportunity to solve the Cyprus problem had been missed, the plan that he had submitted to the leaders of the two sides had remained on the table. Following communications and consultations that had led him to believe that a new effort might be warranted, he had invited the leaders of the two sides to New York to resume negotiations on 10 February 2004.

The Secretary-General subsequently referred to the matters to be submitted to the Security Council for decision (appendix E to the comprehensive settlement of the Cyprus problem by which the Council would be requested to take certain decisions to enter into force upon the reunification of Cyprus. By those decisions, the Council would endorse the foundation agreement; impose an arms embargo against Cyprus; and establish a new United Nations operation to undertake responsibilities connected with the implementation of the comprehensive settlement. The Secretary-General, also provided details relating to the proposed mandate,

⁴ S/PV.4940, pp. 2-6.

⁵ S/2004/302.

composition, strength and structure of the new United Nations operation in Cyprus.

Bearing in mind the understanding of the parties as reflected in the comprehensive settlement, as well as the mode of entry into force, the Secretary-General requested the Security Council to consider taking action in advance of the referendums of 24 April. Noting that the decision to be made by the people of Cyprus on 24 April was theirs alone, the Secretary-General observed that timely action by the Council would go a long way to reassuring the people that the settlement would have the strong support of the United Nations and that its security provisions would be fully implemented.

At its 4947th meeting, on 21 April 2004, the Council included in its agenda the report of the Secretary-General dated 16 April 2004.⁵ Statements were made by the representatives of Algeria, Angola, Benin, Brazil, Chile, China, France, Pakistan, Romania, the Russian Federation, Spain, the United Kingdom and the United States.

At the outset of the meeting, the President (Germany) drew the attention of the Council to a draft resolution that had been submitted by the United Kingdom and the United States,⁶ by which the Council would decide that the provisions set out in the annex to the resolution should take effect only upon notification by the Secretary-General that the foundation agreement had entered into force, following the free decision of the Greek Cypriots and Turkish Cypriots. In its annexes, the draft resolution contained provisions (a) replacing the United Nations Peacekeeping Force in Cyprus (UNFICYP) with a new operation in Cyprus, to be known as the United Nations Settlement Implementation Mission in Cyprus, with a mandate to, inter alia, monitor the implementation of the foundation agreement; (b) imposing an arms embargo against Cyprus under Chapter VII of the Charter; and (c) calling upon all parties concerned to implement faithfully and fully all aspects of the comprehensive settlement within the time frames prescribed therein.

Speaking before the vote, the representative of the Russian Federation recalled that his country had consistently supported the Secretary-General's mission of good offices and his efforts aimed at a just settlement of the Cyprus problem, on the basis of

⁶ S/2004/313.

Security Council resolutions and the express will of both Cypriot communities. He stressed that the international community, and in particular the Security Council, should help the Cypriot parties to reach arrangements themselves, but should not impose decisions upon them. He emphasized that the referendums planned for 24 April had to be held without any external interference or pressure. He held that the Council would be in a position to take a considered decision, including on the deployment of a new peacekeeping operation, after the referendums had been held. Turning to the process of negotiating the draft resolution, the representative of the Russian Federation expressed deep regret at how the work on the draft resolution had been structured. He held that a technically and legally complex decision, such as the formulation of the parameters of a new United Nations peacekeeping operation in Cyprus and the imposition of an arms embargo, would have called for the most thorough and careful analysis. Instead, he held, the sponsors of the draft resolution had submitted it for a vote after having “ignored” the views of other members of the Council. He noted that views opposed to such a precipitous adoption of a draft resolution on the eve of the referendums had been expressed by the parties directly interested in the settlement as well as by the majority of members of the Council. Under such circumstances, the Russian Federation had no other choice but to exercise a veto on technical grounds, in order to ensure conditions in the future for normal, mutually respectful work to agree upon Security Council decisions that were acceptable to all parties. He stressed that his delegation was prepared to play a constructive role in formulating a draft resolution on the issue after the referendums, on the understanding that such a draft would take into account the results of the referendums and would provide for universally acceptable ways to remove concerns on the part of the Cypriot parties.⁷

The draft resolution was then put to the vote and received 14 votes in favour and 1 against (Russian Federation). It was not adopted owing to the negative vote of a permanent member.

Speaking after the vote, the representative of the United Kingdom expressed disappointment that the Council had not been able to reach consensus on the draft resolution. He noted that no delegation was

⁷ S/PV.4947, p. 2.

opposed to the general substance of the draft, while one member of the Council had voted against it for technical reasons of procedure and timing. He stressed that the fact that an overwhelming majority of the Council had voted in favour of the draft would send a strong message of support for the efforts of the Secretary-General and for his plan. That would offer the people of Cyprus reassurance that the Council would act on the obligations foreseen for it in the comprehensive settlement, including the establishment of a strengthened United Nations peacekeeping operation and the imposition of an arms embargo. He expressed his delegation’s hope that the Cypriot people would seize the historic opportunity to find a peaceful solution to the conflict in Cyprus that the plan of the Secretary-General was offering. Stating that the draft resolution stayed on the table and that his delegation would ask for the Council to take speedy action after the referendums, he stressed that there should be no doubt that the Council stood ready to fulfil its commitments.⁸

The representative of the United States also expressed disappointment that one member of the Council had not been prepared to support the Secretary-General’s request to adopt the draft resolution prior to the referendums, in order to provide assurances to the Greek Cypriots that the security structures provided for in the settlement would be in place before their vote on 24 April. He stated that it was evident that, if the settlement was approved by all Cypriots in the referendums, there would be rapid action in the Council to establish the United Nations settlement implementation mission in Cyprus as well as the arms embargo.⁹

Several other speakers stated that their delegations had voted in favour of the draft resolution to support the efforts of the Secretary-General for a resolution of the conflict.¹⁰ Some emphasized that there was general agreement among the Council members regarding the substance of the draft and stressed that, should the people of Cyprus vote for reunification, the Council stood ready to assume its responsibilities under the comprehensive settlement.¹¹

⁸ *Ibid.*, p. 3.

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 3 (Benin); p. 4 (Angola, Algeria, Romania); and p. 5 (Brazil, Chile, Pakistan).

¹¹ *Ibid.*, p. 3 (Benin); pp. 3-4 (France); p. 4 (Algeria); and p. 5 (Chile, Spain).

Other speakers expressed their preference that a unified Cyprus accede to the European Union.¹² A number of speakers also expressed regret that consultations had not been extended in order to achieve consensus before proceeding to vote on the draft resolution.¹³

**Decision of 11 June 2004 (4989th meeting):
resolution 1548 (2004)**

Following the rejection of the comprehensive settlement plan in the referendums of 24 April 2004, the Security Council, at its 4954th meeting, on 28 April 2004, heard a briefing by the Under-Secretary-General for Political Affairs on the outcome of the referendums in Cyprus; no statements were made at the meeting.

In his briefing, the Under-Secretary-General reported that, following the finalization of the foundation agreement in Bürgenstock on 31 March, the two parties had continued to work on technical matters of the comprehensive settlement plan up until the last day before the referendums and that the authenticated text had been sent to the parties on 23 April. On 7 April, the Greek Cypriot leader, in an address to the nation, had called on Greek Cypriots to reject the Secretary-General's plan and to "send a resounding no" to the plan, thereby joining the Turkish Cypriot leader. Nevertheless a number of political leaders on both sides had strongly advocated a favourable vote. One of the main political parties on the Greek Cypriot side, AKEL (Progressive Party of Working People), which had traditionally been in favour of a settlement of the Cyprus problem, however, had indicated that it would be able to support the plan only if certain unspecified security guarantees were given by the Security Council. AKEL had called for a "soft no" vote following the outcome of consideration of the matter by the Council, but had expressed the hope that it would in due time translate into a vote in favour of an eventual second referendum on the plan. Stating that it was too early to provide a detailed analysis of the amount of information that was made available to the people during the referendum campaign, the Under-Secretary-General nevertheless noted that concerns about the issue of access to the media by international personalities from the United Nations and the European Union had been raised by the Special Adviser with the Greek Cypriot leader.

The Under-Secretary-General further reported that, in the referendums, the foundation agreement had been rejected by the Greek Cypriot population by 75.83 per cent to 24.17 per cent, while the Turkish Cypriot population had approved the settlement plan by 64.91 per cent to 35.09 per cent. The foundation agreement would therefore not enter into force since the plan required approval by both sides.

According to the Under-Secretary-General, the Secretary-General respected the outcome of the referendums, while regretting that a unique and historic opportunity to resolve the Cyprus problem and to reunite Cyprus in time for accession to the European Union on 1 May had been missed. The Secretary-General remained convinced that the plan represented a fair, viable and carefully balanced compromise. The Secretary-General hoped that the Greek Cypriot community might arrive at a different view in the fullness of time, after a profound and sober assessment of their decision and its potential consequences. At the same time, the Secretary-General applauded the decision of the Turkish Cypriots, who had approved the plan notwithstanding the significant sacrifices that it entailed for many of them and regretted that the Turkish Cypriots would not equally enjoy the benefits of European Union membership as from 1 May 2004. The Under-Secretary-General concluded that the Secretary-General had begun to give careful thought to the implications of the result of the referendums for the United Nations and the way ahead and would present a detailed written report to the Security Council with his conclusions in due course.¹⁴

On 28 May 2004, the Secretary-General submitted a report on his mission of good offices in Cyprus,¹⁵ which contained a detailed summary of efforts undertaken to resolve the Cyprus problem since the agreement to restart negotiations of 13 February 2004, including the three phases of negotiations leading to the finalization of the comprehensive settlement of the Cyprus problem. It surveyed the improvements in the finalized plan, and reviewed developments between the finalization of the settlement plan in Bürgenstock on 31 March 2004 and the holding of the referendums in Cyprus on 24 April.

The Secretary-General stated that the outcome of the referendums represented another missed

¹² *Ibid.*, p. 4 (France, Romania); and p. 5 (Spain).

¹³ *Ibid.*, pp. 3-4 (France); p. 4 (China, Algeria); and p. 5 (Brazil, Pakistan).

¹⁴ S/PV.4954, pp. 2-4.

¹⁵ S/2004/437.

opportunity to resolve the Cyprus problem. The decision of the Greek Cypriots to reject the plan was to be respected, but he noted that the decision was a major setback to peace efforts and stated that the Greek Cypriot people might wish to reflect on the implications of the vote in the future. He added that the Security Council would be well advised to address Greek Cypriot concerns about security and implementation of the plan, which needed to be articulated with clarity and finality. At the same time, the Secretary-General welcomed the decision of the Turkish Cypriots and maintained that the Turkish Cypriot vote had undone any rationale for pressuring and isolating them and expressed his hope that the members of the Council, while in no way affording recognition or assisting secession, would give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that had the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move consistent with resolutions 541 (1983) and 550 (1984). The Secretary-General concluded that there was no apparent basis for resuming his mission of good offices while the current stalemate continued. He announced that, given the watershed in efforts to resolve the Cyprus problem, he would conduct a review of the full range of United Nations peace activities in Cyprus, to be completed within three months, including on the mandate, force level and concept of operation of UNFICYP.

The Secretary-General observed that, during the four-and-a-half-year effort, the parties had found it difficult to agree on key points and had often left it to the United Nations to stimulate the process. He regretted that more could not be agreed between the parties themselves and that little was done by some participants in the negotiations to prepare the people for a compromise. The Secretary-General expressed concerns regarding the way in which the plan had been presented to the public, particularly on one side. While a comprehensive settlement had proved elusive, major achievements had nevertheless been made in the period of the negotiations in that the obstacles which had hitherto prevented Cyprus initiatives from getting beyond generalities had been overcome. While the plan was legally null and void in the aftermath of the referendums, the Secretary-General maintained that the plan had been a comprehensive and carefully balanced settlement proposal, which remained ready to be implemented, and which also remained the only

foreseeable basis for settlement at the disposal of Cypriots.

At its 4986th meeting, on 8 June 2004, the Council included in its agenda the report of the Secretary-General dated 28 May 2004.¹⁵ At the meeting, at which no statements were made, the Council heard a briefing by the Special Adviser to the Secretary-General on Cyprus. Introducing the report of the Secretary-General, the Special Adviser stated that, although the ultimate outcome of the good offices mission had not been a success, major achievements had nevertheless been made and needed to be built upon to keep alive the prospects of reconciliation and reunification in the future, and that the Council had an important role in that regard. The Special Adviser also said that the Secretary-General had the previous day received a letter from the Greek Cypriot side,¹⁶ containing comments on the Secretary-General's report.¹⁷

At its 4989th meeting, on 11 June 2004, the Council included in its agenda the report of the Secretary-General on the United Nations operation in Cyprus dated 26 May 2004,¹⁸ which the Secretary-General stated that, in the absence of a comprehensive settlement, the presence of UNFICYP on the island continued to be necessary. He recommended that the Council extend the mandate of the Force for a further period of six months, while the Secretariat would conduct a review of the mandate, force levels and concept of operations of UNFICYP.

Statements were made by the representatives of Algeria, Chile, Pakistan, Romania, the United Kingdom and the United States. The President (Philippines) drew the attention of the Council to a draft resolution submitted by the United Kingdom.¹⁹ The President noted that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions vis-à-vis the item on the Council's agenda. The draft resolution was then put to the vote and adopted unanimously as resolution 1548 (2004), by which the Council, inter alia:

¹⁶ See S/2004/464. The Secretary-General responded to the President of Cyprus by a letter dated 15 June 2004 (S/2004/493), stating that he stood fully by his report.

¹⁷ S/PV.4986, pp. 2-3.

¹⁸ S/2004/427.

¹⁹ S/2004/484.

Decided to extend the mandate of UNFICYP for a further period ending on 15 December 2004 and to consider the recommendations of the Secretary-General in his review of UNFICYP and to act upon them within one month of receiving them;

Urged the Turkish Cypriot side and the Turkish forces to rescind without delay all remaining restrictions on UNFICYP, and called on them to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

Requested the Secretary-General to submit a report on the implementation of the resolution.

Speaking after the vote, the representative of the United Kingdom welcomed the unanimous adoption of the resolution and supported the Secretary-General's decision to conduct a comprehensive review of the role of UNFICYP.²⁰ The representative of the United States welcomed the fact that, by adopting the resolution, the Council had set a timeline for acting upon the recommendations of the Secretary-General, in particular in view of changed circumstances and limited resources for peacekeeping operations. The representative of the United States also spoke on the Secretary-General's report on his mission of good offices in Cyprus,²¹ expressing his delegation's regret at the results of the referendums on the comprehensive settlement plan. He also expressed wholehearted support for the conclusions of the report, including its analyses of the Greek Cypriot and Turkish Cypriot votes. He agreed with the recommendation of the report that the Security Council, while in no way affording recognition or assisting secession, should give a strong lead to all States to cooperate to eliminate unnecessary restrictions and barriers that had the effect of isolating Turkish Cypriots and impeding their development, and concurred with the assessment of the Secretary-General that such a move was consistent with resolutions 541 (1983) and 550 (1984).²² Other speakers also supported the Secretary-General's recommendation to eliminate unnecessary restrictions on the Turkish Cypriot population, with due regard for resolutions 541 (1983) and 550 (1984).²³

The representative of Pakistan expressed serious reservations with regard to the adopted resolution, stating that the Council should have voted for a mere technical extension for only three months, in order to

enable the Council to act on the review of the Secretary-General. Moreover, he held that the inclusion of a paragraph urging the Turkish Cypriot side and the Turkish forces to rescind all remaining restrictions on UNFICYP and to restore the military status quo in Strovilia changed it from a procedural to a substantive proposition and that the Council should have taken a more balanced approach. He urged actions by the international community to take concrete steps to end the economic isolation of the Turkish Cypriot community and held that the inclusion in the resolution of a provision to welcome the report of the Secretary-General would have been one way to indicate even-handedness.²⁴ The representative of Algeria stated that his delegation also would have preferred that the draft resolution be a purely technical text.²⁵

**Decision of 22 October 2004 (5061st meeting):
resolution 1568 (2004)**

At its 5061st meeting, on 22 October 2004, the Council included in its agenda the report of the Secretary-General on the United Nations operation in Cyprus dated 24 September 2004.²⁶ In his report, in accordance with the findings of the review of the mandate, force levels and concept of operations of UNFICYP by the Secretariat, the Secretary-General recommended a reduction of the strength of the UNFICYP military component by about 30 per cent to reflect the changed circumstances. In addition, he recommended that the number of civilian police should be increased, while remaining within the current authorized strength, and that the political and civil affairs component of the mission should be strengthened. The Secretary-General also announced his intention to conduct a further review before the end of the next mandate period in mid-2005.

Statements were made by the representatives of Pakistan, the Russian Federation, the United Kingdom and the United States. At the outset of the meeting, the President (United Kingdom) drew the attention of the Council to a draft resolution submitted by the United Kingdom.²⁷ The President noted that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions vis-à-vis the item on the agenda of the Council. The draft

²⁰ S/PV.4989, p. 2.

²¹ S/2004/437.

²² S/PV.4989, p. 3.

²³ Ibid., p. 3 (Chile); and p. 5 (Algeria, Romania).

²⁴ Ibid., p. 4.

²⁵ Ibid., p. 5.

²⁶ S/2004/756.

²⁷ S/2004/829.

resolution was then put to the vote and adopted unanimously as resolution 1568 (2004), by which the Council, *inter alia*:

Endorsed the Secretary-General's recommendations for the amendment of the concept of operations and force level of UNFICYP, as outlined in his report of 24 September 2004;

Decided to extend the mandate of UNFICYP for a further period ending on 15 June 2005;

Urged the Turkish Cypriot side and Turkish forces to rescind without delay all remaining restrictions on UNFICYP, and called on them to restore in Strovilia the military status quo which existed there prior to 30 June 2000.

Speaking after the vote, the representative of the United States noted the strained resources for peacekeeping operations and welcomed the fact that the resolution endorsed the Secretary-General's recommendation for a 30 per cent force-level reduction.²⁸ The representatives of the United States and Pakistan expressed their disappointment that the Security Council had so far not endorsed the Secretary-General's report on his good offices mission in Cyprus²⁹ and his recommendation to eliminate unnecessary restrictions on the Turkish Cypriot population.³⁰ The representative of Pakistan maintained that the resolution unnecessarily singled out resolution 1251 (1999), and held that the resolution should have reflected the fact that the review team of the Secretariat had consulted with all relevant parties on the island, as well as the guarantor Powers on the concept and proposal to extend the mandate of UNFICYP.³¹ The representative of the Russian Federation, agreeing on the importance of establishing a favourable environment for the renewal of the negotiation process, including through economic relations between the two Cypriot communities, held that in that regard the Council should strictly observe the provisions of resolutions 541 (1983) and 550 (1984).³² The representative of the United Kingdom expressed his disappointment that, having voted for a settlement, the Turkish Cypriots had so far seen little benefit and stated that his Government remained committed to ending the isolation of the Turkish Cypriots and to reducing the economic gap between the two communities.³³

²⁸ S/PV.5061, pp. 2-3.

²⁹ S/2004/437.

³⁰ S/PV.5061, pp. 2-3 (United States); and p. 3 (Pakistan).

³¹ *Ibid.*, p. 3.

³² *Ibid.*

³³ *Ibid.*, p. 4.

Decision of 15 June 2005 (5202nd meeting): resolution 1604 (2005)

At its 5202nd meeting, on 15 June 2005, the Council included in its agenda the report of the Secretary-General on the United Nations operation in Cyprus dated 27 May 2005,³⁴ which contained, together with a description of the situation and the activities of UNFICYP, the findings of a review of the restructuring of UNFICYP. The review found, *inter alia*, that the amended more mobile concept of operations allowed UNFICYP to maintain the same level of mandate implementation with a reduced troop strength. The Secretary-General recommended that the Security Council extend the mandate of UNFICYP for a further period of six months with the current authorized strength and concept of operations.

The President (France) drew the attention of the Council to a draft resolution submitted by the United Kingdom.³⁵ The President noted that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions *vis-à-vis* the item on the Council's agenda. The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1604 (2005), by which the Council, *inter alia*:

Decided to extend the mandate of UNFICYP for a further period ending on 15 December 2005;

Called on the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000.

Deliberations of 22 June 2005 (5211th meeting)

At its 5211th meeting, on 22 June 2005, at which no statements were made, the Council heard a briefing by the Under-Secretary-General for Political Affairs. The Under-Secretary-General briefed members of the Council on his consultations in Cyprus, Greece and Turkey on the future of the Secretary-General's mission of good offices in Cyprus. Assessing the developments, the Under-Secretary-General noted on the positive side that all parties wanted to see some sort of resumption of active United Nations good offices and accepted that the comprehensive settlement plan should serve as the document on which the negotiations would resume. On the negative side, he noted that the gap between the stated positions of the

³⁴ S/2005/353.

³⁵ S/2005/382.

parties on substance appeared to be wide and that confidence between them did not seem to be high. He concluded that the Secretary-General believed that launching an intensive new process prematurely would be inadvisable and that nothing positive would be served by a new effort that again ended in high-profile failure or in a frustrating stalemate. The Secretary-General therefore considered it prudent to proceed very carefully and intended to reflect on the future of his mission of good offices in the period ahead, taking into full account the reaction of the Council to the briefing.³⁶

Decisions of 14 December 2005 to 14 December 2007: resolutions 1642 (2005), 1687 (2006), 1728 (2006), 1758 (2007) and 1789 (2007)

At its 5324th, 5465th, 5593rd, 5696th and 5803rd meetings,³⁷ the Council adopted resolutions,³⁸ unanimously without debate, extending the mandate of UNFICYP for a period of six months, based upon the recommendations contained in the reports of the Secretary-General on UNFICYP.³⁹

In his reports, the Secretary-General reported that the situation in Cyprus remained stable. Nevertheless, he believed that only the achievement of a comprehensive settlement would bring an end to the Cyprus problem. In the absence of such a settlement, the presence of UNFICYP continued to be necessary and the Secretary-General therefore recommended an extension of the mandate of the Force for a further period of six months. The Secretary-General also regularly included in his reports an overview of his activities in the framework of his mission of good offices. In his report dated 1 December 2006, he reported on an agreement reached between the two sides on 8 July 2006 to begin a two-track process involving discussion by technical committees of issues

affecting the day-to-day life of the people and, concurrently, consideration by working groups of substantive issues, both of which would contribute to a comprehensive settlement.⁴⁰ In subsequent reports, the Secretary-General deplored the lack of progress made in implementing the agreement.⁴¹

At each meeting, the President noted that he had met with representatives of the parties, who had confirmed that they maintained their well-known positions vis-à-vis the item on the Council's agenda. By the resolutions adopted, the Council, in addition to extending the mandate of UNFICYP for consecutive periods of six months, called on the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which had existed there prior to 30 June 2000. Starting with resolution 1728 (2006) of 15 December 2006, the Council expressed full support to the process initiated by the agreement of 8 July 2006,⁴² and called for early completion of the preparatory phase so that a fully-fledged good offices process could resume as soon as possible. In resolutions 1758 (2007) of 15 June 2007 and 1789 (2007) of 14 December 2007, the Council noted with concern the lack of progress in that process and called upon all parties to immediately engage constructively with the United Nations efforts. The Council also reaffirmed that the status quo was unacceptable and that negotiations on a final political solution to the Cyprus problem had been at an impasse for too long. The Council also called on both sides to engage in consultations with UNFICYP on the demarcation of the buffer zone.

At two of the meetings, statements were made by the representative of Greece. At the 5465th meeting, the representative expressed his regret that resolution 1687 (2006) did not convey a sufficiently clear and strong message as to the basis, the scope and the objectives of United Nations efforts for a fair and lasting settlement of the problem of Cyprus.⁴³ At the 5593rd meeting, he expressed the appreciation of his country to UNFICYP and the Secretariat for their contribution to maintaining stability on the island.⁴⁴

³⁶ S/PV.5211, pp. 2-5.

³⁷ Held on 14 December 2005, 14 June 2006, 15 December 2006, 15 June 2007 and 14 December 2007.

³⁸ Resolutions 1642 (2005), 1687 (2006), 1728 (2006), 1758 (2007) and 1789 (2007). The draft resolutions corresponding to resolutions 1687 (2006), 1728 (2006) and 1758 (2007) were submitted by China, France, the Russian Federation, the United Kingdom and the United States (S/2006/393, S/2006/978 and S/2007/353). The other draft resolutions were prepared in the course of the Council's prior consultations.

³⁹ S/2005/743 and Corr.1, S/2006/315, S/2006/931, S/2007/328 and S/2007/699.

⁴⁰ S/2006/931.

⁴¹ S/2007/328 and S/2007/699.

⁴² See S/2006/572.

⁴³ S/PV.5465, p. 2.

⁴⁴ S/PV.5593, pp. 2-3.

30. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

Decision of 25 June 2004 (4997th meeting): statement by the President

By a letter dated 19 February 2004 addressed to the President of the Security Council, the Secretary-General transmitted the twenty-fifth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.¹ In the report, the High Representative stated that he remained committed to his overarching objective of ensuring that Bosnia and Herzegovina was put irreversibly on the road to statehood and the European Union. His priorities centred on consolidating the rule of law and advancing economic reform — “justice and jobs” — while further improving the functioning and effectiveness of the key governing institutions of Bosnia and Herzegovina. With regard to the mandate of his Office, he reported, inter alia, measurable progress in several key areas, including in the field of the rule of law, indirect tax policy, defence reform, intelligence reform and the setting up of a domestic war crimes chamber. In addition, he reported that the principal targets for the transition to domestic leadership of responsibilities concerning the right to return of refugees had been achieved and that the Reconstruction and Return Task Force of the Office of the High Representative could be closed down, having successfully completed its mandate. With regard to the political environment, the High Representative observed that relations in the ruling coalition remained strained, sustaining parallelism along ethnic lines, in spite of the constitutional changes that had been introduced two years earlier. In addition, the reporting period had been marked by political clashes between the Government and the opposition in advance of the municipal elections that were to be held in October 2004. He reported that the European Union Police Mission, as well as its programmes aimed at creating sustainable policing arrangements under Bosnia and Herzegovina ownership and in line with the best European and international standards, had become a well-established feature of police life in Bosnia and Herzegovina. The High Representative also reported on an increasing number of legal challenges to the police certification process that had been conducted by the

International Police Task Force as a part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) until the end of its mandate in December 2002. He reported that those challenges could lead to the reinstatement of police officers who had been denied certification by the Task Force. He held that this posed a serious threat to the United Nations policing legacy and could cause grave damage to the reputation of the United Nations in Bosnia and Herzegovina. He emphasized that this matter required immediate attention by the United Nations and that, although he had repeatedly sought advice from the United Nations on that matter, a satisfactory and workable solution had so far not been found.

At its 4920th meeting, on 3 March 2004, the Security Council included in its agenda the above-mentioned letter dated 19 February 2004 from the Secretary-General.¹ The Council heard briefings by the High Representative, the Under-Secretary-General for Peacekeeping Operations and the Chairman of the Council of Ministers of Bosnia and Herzegovina, following which statements were made by all members of the Council and the representatives of Ireland (speaking on behalf of the European Union)² and Croatia.

In his briefing, the High Representative pointed out that Bosnia and Herzegovina had two clear and achievable goals to aim for: accession to the North Atlantic Treaty Organization (NATO) Partnership for Peace programme and the start of negotiations for a Stabilization and Association Agreement with the European Union. He highlighted the new collegial atmosphere in the Council of Ministers and the high degree of statesmanship and leadership within the political community, but warned that the reform process remained hamstrung by an overburdened agenda, residual obstructionism and the dysfunctional aspects of the structures of the Dayton Agreement. He emphasized that the economy remained his main worry.³

² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³ S/PV.4920, pp. 2-9.

¹ S/2004/126.

The Under-Secretary-General, speaking on the legal challenges to the police certification process conducted by the International Police Task Force, underlined the political importance of the problem and the need for an early solution. He recalled that the authorities of Bosnia and Herzegovina had been and remained under an obligation, binding under international law, to give effect to the decisions of the Task Force, and held that the support of the Council would be of critical importance in reminding the authorities of those obligations.⁴

The Chairman of the Council of Ministers of Bosnia and Herzegovina held that his country was a positive example of how intervention by the international community could be effective and of how a post-conflict country could become an active participant in the process of regional stabilization. He assured the Council that his Government would continue with the entire process of reform. In addition, he pointed to the imminent replacement of the NATO forces with a task force of the European Union and expressed his expectation that the Council would be fully involved in defining the precise mandate of the new task force.⁵

In their statements following the briefings, most of the speakers agreed with the assessments by the High Representative and recognized the progress achieved. In addition, several speakers expressed concern at the legal challenges to the police officer certification process and called for consideration of the issue by the Council.⁶ A number of speakers reiterated the need to intensify efforts to bring fugitive war criminals, especially Radovan Karadžić and Ratko Mladić, before the International Tribunal for the Former Yugoslavia.⁷ The representative of the Russian Federation held that the exceptional executive powers of the High Representative should be used only in exceptional cases and with a mandatory prior agreement with the members of the Steering Board of

the Peace Implementation Council.⁸ The representative of Ireland, speaking on behalf of the European Union, stated that the European Union had confirmed its readiness to undertake a follow-on mission to the NATO Stabilization Force (SFOR).⁹

At its 4997th meeting, on 25 June 2004, the Council again included in its agenda the letter from the Secretary-General.¹⁰ The Council extended an invitation to the representative of Bosnia and Herzegovina to participate in the meeting. At the meeting, the President (Philippines) made a statement on behalf of the Council,¹¹ by which the Council, *inter alia*:

Recalled its relevant resolutions and its support for the General Framework Agreement for Peace in Bosnia and Herzegovina;

Reaffirmed the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate;

Affirmed that the certification process was carried out pursuant to the mandate of Task Force and fully endorsed this process;

Expressed concern at the failure of the competent authorities in Bosnia and Herzegovina to take due steps to implement decisions to deny certification;

Called upon the Bosnia and Herzegovina authorities to ensure that all decisions of the Task Force were fully implemented and that the employment of any persons denied certification by the Task Force be terminated, and that such persons would be precluded from employment, either now or in the future, in any position within any law enforcement agency in Bosnia or Herzegovina.

**Decision of 9 July 2004 (5001st meeting):
resolution 1551 (2004)**

At its 5001st meeting, on 9 July 2004, the Council extended an invitation to the representatives of Bosnia and Herzegovina and Italy to participate in the meeting. The President (Romania) drew the attention of the Council to a letter dated 29 June 2004 from the representative of Ireland, transmitting a letter from the Minister for Foreign Affairs of Ireland and President of the Council of the European Union concerning the intention of the European Union to launch a European Union mission following the decision by NATO to

⁴ *Ibid.*, p. 9.

⁵ *Ibid.*, pp. 9-11.

⁶ *Ibid.*, pp. 12-13 (Russian Federation); pp. 13-14 (Spain); pp. 15-17 (Germany); pp. 17-18 (United Kingdom); pp. 18-19 (Philippines); pp. 23-24 (United States); and p. 26 (France).

⁷ *Ibid.*, pp. 17-18 (United Kingdom); pp. 18-19 (Philippines); pp. 22-23 (Pakistan); pp. 23-24 (United States); pp. 26-28 (Ireland, on behalf of the European Union).

⁸ *Ibid.*, pp. 12-13.

⁹ *Ibid.*, pp. 27-28.

¹⁰ S/2004/126.

¹¹ S/PRST/2004/22.

terminate the Stabilization Force in Bosnia and Herzegovina in December 2004.¹² A draft resolution, submitted by France, Germany, Italy, Romania, the Russian Federation, Spain, the United Kingdom and the United States,¹³ was then put to the vote and adopted unanimously and without debate as resolution 1551 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Called upon the parties to comply strictly with their obligations under the General Framework Agreement and the Dayton Agreement, and expressed its intention to keep their implementation, and the situation in Bosnia and Herzegovina, under review; welcomed the decision of NATO to conclude its current SFOR operation by the end of 2004;

Further welcomed the intention of the European Union to launch a mission to Bosnia and Herzegovina, including a military component, from December 2004;

Authorized the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of six months the multinational stabilization force as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

Authorized the Member States acting under paragraph 11 of the resolution to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement;

Authorized Member States to take all necessary measures, at the request of SFOR, either in defence of SFOR or to assist the Force in carrying out its mission;

Demanded that the parties respect the security and freedom of movement of SFOR and other international personnel;

Decided that the status-of-forces agreements should apply provisionally in respect to the proposed European Union mission and its forces.

Decision of 22 November 2004 (5085th meeting): resolution 1575 (2004)

At its 5075th meeting, on 11 November 2004, the Council included in its agenda a letter dated 8 October 2004 from the Secretary-General addressed to the President of the Council, by which he transmitted the twenty-sixth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and

Herzegovina.¹⁴ In his report, the High Representative, *inter alia*, observed significant progress in all core tasks of the Office of the High Representative, including in the field of the rule of law, reforming the economy, strengthening the capacity of Bosnia and Herzegovina institutions and defence reform. In addition, he reported that while Bosnia and Herzegovina was within reach of the NATO Partnership for Peace and the launch of negotiations with the European Union for the conclusion of a Stabilization and Association Agreement, it had failed to meet the benchmarks required for entry into the Partnership for Peace programme at the Istanbul Summit of NATO, because “a small number of obstructionist elements” in the Republika Srpska had prevented the Republika Srpska and Bosnia and Herzegovina from fulfilling their obligations to cooperate fully with the International Tribunal for the Former Yugoslavia. The High Representative also reported that on 12 July 2004 the European Council had issued its decision to replace the NATO Stabilization Force with a European Union peacekeeping force by the beginning of 2005.

At the meeting, the Council heard briefings by the High Representative, the Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina and the Secretary-General of NATO. At the same meeting, statements were made by all members of the Council, as well as by the representatives of Japan and the Netherlands (speaking on behalf of the European Union).¹⁵

In his briefing, the High Representative, *inter alia*, said that the handover from NATO would allow the European Union bring together all its assets in Bosnia and Herzegovina under his coordination, including the European Union-led force (EUFOR), the European Union Police Mission, the European Union Monitoring Mission and the European Commission delegation. He also called for an unambiguous and firm message from the Council to the leaders of the Republika Srpska with regard to cooperation with the International Tribunal for the Former Yugoslavia. On the issue of legal challenges to the police certification process by International Police Task Force, the High Representative reported that following the presidential statement issued by the Council in June 2004, the Presidency of Bosnia and Herzegovina had requested

¹² S/2004/522.

¹³ S/2004/545.

¹⁴ S/2004/807.

¹⁵ Bulgaria, Croatia, Iceland, Romania and Turkey aligned themselves with the statement.

all competent national authorities to harmonize their laws in order to give full effect to the United Nations certification decisions. Nevertheless, as there had been examples of procedural shortcomings, the High Representative held that there was a need to find a solution with respect to those problematic cases.¹⁶

The Deputy Chairman of the Council of Ministers and Minister for Foreign Affairs of Bosnia and Herzegovina fully recognized that cooperation with the International Tribunal for the Former Yugoslavia remained one of the greatest obstacles for Bosnia and Herzegovina in Euro-Atlantic integration processes, but held that there was a firm political commitment to arrest the indicted war criminals and that several attempts at arrests had recently been made by the authorities of the Republika Srpska. On a different note, he drew the attention of the Council to the fact that the recent reforms in Bosnia and Herzegovina would not have been possible without the readiness of the institutions and the politicians of Bosnia and Herzegovina to take responsibility and to make necessary compromises and that not a single law had been imposed by the High Representative in the preceding year. He therefore expressed his conviction that the time had come to consider the review of the mandate of the High Representative, including his extraordinary executive powers, and assured the Council that the authorities of Bosnia and Herzegovina were more than ready to assume full power and responsibility for the future of the country.¹⁷

Most speakers welcomed the report by the High Representative and the envisaged transition from SFOR to EUFOR. Many speakers also attached great importance to bringing to justice the war criminals indicted by the International Tribunal for the Former Yugoslavia.

The representative of the Russian Federation held that while the affirmed dedication of the western Balkan countries to the European perspective could be used as an additional stabilizing factor in the region, the most important issue, in his view, remained the implementation of the Dayton Agreement, which, he held, should not be reduced to the conditions identified by the European Union for the start of negotiations for the Stabilization and Association Agreement and to the requirements of the NATO Partnership for Peace

programme. He also maintained that the responsibility for the problems that continued to exist in Bosnia and Herzegovina should not be attributed solely to the Serbs. In addition, while cooperation with the International Tribunal for the Former Yugoslavia was an important element of the Dayton Agreement and the Russian Federation favoured the strictest compliance with relevant Security Council resolutions, it did not consider that the stability of Bosnia and Herzegovina and the peace process as a whole should be held hostage to that specific aspect of the Dayton Agreement.¹⁸

The representative of the Netherlands, speaking on behalf of the European Union, underlined the significance of the first European Union peacekeeping mission for Bosnia and Herzegovina — as a final element in the comprehensive policy of the European Union towards Bosnia and Herzegovina — but also for the European Union and the United Nations. He held that regional organizations had an increasingly important role to play in peacekeeping and peacebuilding.¹⁹

In his briefing, the Secretary-General of NATO said that NATO and the United Nations had found increasing scope for cooperation in peace operations. He held that, given the improved state of security in Bosnia and Herzegovina, it was the right time to terminate the Stabilization Force, and he stated that he looked forward to a Security Council resolution authorizing the handover of responsibilities from NATO to the European Union. He reported that NATO would retain a military presence in the country, which would provide advice on defence reform and would remain engaged in bringing indicted war criminals to justice.²⁰

At its 5085th meeting, on 22 November 2004, the Council extended an invitation to the representative of Bosnia and Herzegovina to participate in the meeting. The President (United States) drew the attention of the Council to three letters dated 19 November 2004 addressed to the President of the Security Council.²¹ The first letter, from the representative of Germany, transmitted a letter from the Secretary-General of NATO to the High Representative of the European

¹⁶ S/PV.5075, pp. 2-7.

¹⁷ Ibid., pp. 7-10.

¹⁸ Ibid., pp. 12-14.

¹⁹ Ibid., pp. 23-25.

²⁰ S/PV.5075 (Resumption 1), pp. 2-4.

²¹ S/2004/915, S/2004/916 and S/2004/917.

Union regarding the changes in the administration of the activities of the General Framework Agreement for Peace in Bosnia and Herzegovina. The second, from the representative of the Netherlands, transmitted a letter from the High Representative of the European Union to the Secretary-General of NATO regarding the respective roles of NATO and the European Union after the transition from the Stabilization Force operation in Bosnia and Herzegovina to EUFOR operation ALTHEA, while the third letter, from the representative of Bosnia and Herzegovina, transmitted a letter from the Chairman of the Presidency of Bosnia and Herzegovina concerning the status of EUFOR and the continuation of NATO presence in Bosnia and Herzegovina and confirming the acceptance of EUFOR and NATO as the legal successors of the SFOR mission and mandate.

A draft resolution²² was then put to the vote and adopted unanimously and without a debate as resolution 1575 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Acknowledged the support of the authorities of Bosnia and Herzegovina for the European Union force and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement;

Authorized the Member States acting through or in cooperation with the European Union to establish for an initial planned period of 12 months a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control;

Authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stressed that the parties should continue to be held equally responsible for compliance with those annexes and be equally subject to such enforcement action by EUFOR and the NATO presence as might be necessary to ensure implementation of those annexes and the protection of EUFOR and the NATO presence;

Authorized Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or the NATO presence respectively, and to assist both organizations in carrying out their missions.

²² S/2004/920.

Decision of 21 November 2005 (5307th meeting): resolution 1639 (2005)

At its 5147th and 5306th meetings,²³ the Security Council included in its agenda letters from the Secretary-General addressed to the President of the Security Council, transmitting consecutive reports of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.²⁴ In his reports, the High Representative described the progress made by Bosnia and Herzegovina in fulfilling the conditions for opening negotiations with the European Union on a stabilization and association agreement. He reported that the outstanding conditions required by the European Commission feasibility study were legislation on public broadcasting and an agreement on police restructuring, which had been blocked by the Government of the Republika Srpska. In the same period, failure to arrest Radovan Karadžić and Ratko Mladić precluded the admission of Bosnia and Herzegovina to the NATO Partnership for Peace, despite an improved level of cooperation between the Republika Srpska and the International Tribunal for the Former Yugoslavia. The High Representative warned that, as a consequence of those blockages, Bosnia and Herzegovina risked falling behind all its neighbours on the road to Euro-Atlantic integration. In addition, the High Representative reported on the transition from SFOR, which was formally terminated on 2 December 2004, to EUFOR, as well as on progress in defence reform, intelligence reform and economic reform. He informed the Council that, in order to encourage increasing local ownership and responsibility, the Office of the High Representative had minimized the number of instances where it used its extraordinary executive powers in order to impose legislation, and that he had initiated a process of reviewing past decisions banning specified persons from participating in all political and public life. In addition, the High Representative reported that the Federation Supreme Court had declared that negative decisions of the International Police Task Force on certification of police officers were inviolable.

At the meetings, the Council heard briefings by the High Representative. Statements were made by all members of the Council, and on behalf of the European

²³ Held on 23 March 2005 and 15 November 2005, respectively.

²⁴ Letters dated 10 March 2005 (S/2005/156) and 7 November 2005 (S/2005/706).

Union,²⁵ as well as by the representatives of Bosnia and Herzegovina²⁶ and Italy.

In his briefings, the High Representative elaborated on his reports, specifically highlighting the increased cooperation of the Republika Srpska with the International Tribunal for the Former Yugoslavia, which had transferred or assisted in the transfer of 12 indictees, but expressed regret that Radovan Karadžić and Ratko Mladić remained at large.²⁷ In his briefing at the 5306th meeting, on 15 November 2005, the High Representative reported that there had been a breakthrough in both police restructuring and defence reform, with agreement in both cases that responsibilities would be transferred to the State level. As a consequence, he expressed the hope that the negotiation mandate for the Stabilization and Association Agreement would be approved at the meeting of the Council of the European Union on 21 November 2005. He expressed his belief that the signing of that agreement would “herald the end of heavyweight international intervention in Bosnia and Herzegovina”, and reported that the Peace Implementation Council had made it clear that, once the negotiations for a Stabilization and Association Agreement were under way, the use of the extraordinary executive powers should be phased out and the Office of the High Representative replaced with a structure led by the European Union Special Representative. In addition, the High Representative reported on progress concerning constitutional reform. While remaining essential as a foundation for peace, in his view, the Dayton Constitution had reached the end of its utility as a framework for the next phase of the reform process. The process of constitutional reform, however, would have to be agreed upon by the domestic institutions in Bosnia and Herzegovina themselves and could not be imposed by the international community. In addition, the High

Representative encouraged the Council to set up a review mechanism for the police certification process conducted by the Task Force to review problematic decisions where credible evidence existed that the right procedures had not been followed.²⁸

The representative of Bosnia and Herzegovina, at those meeting, strongly advocated a handover of responsibilities from the Office of the High Representative to the authorities of Bosnia and Herzegovina.²⁹

Most speakers agreed with the assessments contained in the reports of the High Representative.³⁰ Several speakers suggested that it might be time for a new role for the international community and the High Representative. The representative of the Russian Federation called for a prompt transfer of responsibilities to the Bosnian parties.³¹ However, the representative of Denmark warned that adjustments to the extraordinary executive powers of the High Representative should be contemplated only in a measured way and with due attention to the risks of new crises in Bosnia and Herzegovina.³²

At its 5307th meeting, on 21 November 2005, the Council included in its agenda a letter dated 2 November 2005 from the Secretary-General, transmitting a report on the activities of EUFOR,³³ and the above-mentioned letter dated 7 November 2005, transmitting the twenty-eighth report of the High Representative.³⁴ The Council then invited the representatives of Bosnia and Herzegovina, Germany and Italy to participate in the meeting. The President (Russian Federation) drew the attention of the Council to a draft resolution³⁵ and read out minor changes to the twentieth preambular paragraph of that draft resolution. It was then put to the vote as orally revised and adopted unanimously and without debate as resolution 1639 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the Member States acting through or in cooperation with the European Union to establish for a further

²⁵ At the 5147th meeting, the representative of Luxembourg made the statement on behalf of the European Union; Bulgaria, Croatia, Norway, Romania and Turkey aligned themselves with the statement. At the 5306th meeting, the representative of the United Kingdom spoke on behalf of the European Union; Bulgaria, Iceland, the Republic of Moldova, Romania, Turkey and Ukraine aligned themselves with the statement.

²⁶ At the 5147th meeting, Bosnia and Herzegovina was represented by the Minister of Security.

²⁷ S/PV.5147, pp. 2-6; and S/PV.5306, pp. 2-7.

²⁸ S/PV.5306, pp. 2-7.

²⁹ S/PV.5147, pp. 6-7; and S/PV.5306, pp. 18-19.

³⁰ S/PV.5306, pp. 8-9 (United Kingdom); p. 14 (France); p. 15 (Argentina); p. 17 (Brazil); and pp. 19-20 (Italy).

³¹ *Ibid.*, p. 18.

³² *Ibid.*, p. 13.

³³ S/2005/698.

³⁴ S/2005/706.

³⁵ S/2005/727.

period of 12 months a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control;

Authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement;

Authorized Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognized the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

Authorized the Member States, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.

Decision of 21 November 2006 (5567th meeting): resolution 1722 (2006)

At its 5412th meeting, on 8 April 2006, the Council heard briefings by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina and the Chairman of the Council of Ministers of Bosnia and Herzegovina. Statements were made by most members of the Council,³⁶ as well as by the representatives of Austria (on behalf of the European Union)³⁷ and Turkey.

In his briefing, the new High Representative emphasized that the phase of post-war reconstruction was coming to an end and that his key task was to oversee the end of the Office of the High Representative, which would also mean the end of its extraordinary executive powers, and the full establishment of the Office of the European Union Special Representative. He emphasized that Bosnia and Herzegovina would have to take ownership and assume its full responsibilities as a normal European democratic State. He saw three priorities in 2006 for Bosnia and Herzegovina — constitutional reform, the general elections in October and the ongoing negotiations of the Stabilization and Association Agreement — as well as three outstanding issues from the post-war period — including full cooperation with the International Tribunal for the Former Yugoslavia, the status of officials removed from public positions by

the High Representative and the issue of police officers decertified by the International Police Task Force.³⁸

The Chairman of the Council of Ministers of Bosnia and Herzegovina welcomed the new and what he was certain would be the last, High Representative. He said that during the past three and a half years Bosnia and Herzegovina had passed from a country focused on implementing a peace agreement to one that was negotiating with the European Commission with a view to signing the Stabilization and Accession Agreement. He said that he supported the High Representative in the directions and policy he had set forth for the fullest transfer of ownership to the institutions of Bosnia and Herzegovina. He also reported that pressure had been increasing from the general public in Bosnia and Herzegovina to address the problem of police officers not certified by the Task Force, some of whom had not seen any documentation or had not had the opportunity to appeal because the decision in those cases had been taken at the end of the mandate of the Task Force. The Permanent Representative of Bosnia and Herzegovina had therefore sent a letter to the President of the Security Council,³⁹ in which he requested consideration of possible options for securing rights of appeal and review of decertification decisions.⁴⁰

Most other speakers supported the intentions of the High Representative to transfer more responsibilities to the authorities of Bosnia and Herzegovina and to limit the use of his extraordinary executive powers. Most speakers also believed that the issue of decertified police officers needed to be addressed.

At its 5563rd meeting, on 8 November 2006, the Council included in its agenda a letter dated 12 October 2006 from the Secretary-General, transmitting the thirtieth report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.⁴¹ In his report, the new High Representative stressed his intention to oversee a shift in the role played by the Office of the High Representative and the international community from providing leadership to offering advice and support to the domestic authorities as they assumed ownership of and full

³⁶ The representatives of the Congo, Ghana and Japan did not make statements.

³⁷ Other countries aligned themselves with this statement.

³⁸ S/PV.5412, pp. 2-4.

³⁹ S/2006/64.

⁴⁰ S/PV.5412, pp. 4-6.

⁴¹ S/2006/810.

responsibility for the continuing progress of the country towards institutional stability and Euro-Atlantic integration. He nevertheless made it clear that he would not hesitate to use his extraordinary executive powers in the case of a serious threat to the peace and stability of the country. He also drew attention to the decision of the Peace and Implementation Council to authorize the Office of the High Representative to prepare for its closure and likely replacement in July 2007 by an office of the European Union Special Representative. In addition, he observed that the period had been marked by high expectations resulting from an unprecedented agreement to propose a package of constitutional amendments to the Presidency and the Parliamentary Assembly, followed by a period of “increasingly nationalistic vituperation” after a narrow defeat of the reform package in Parliament. This had set the tone for the upcoming election campaign, in which politicians in the Republika Srpska, referring to the independence referendum in Montenegro and the final status talks in Kosovo, had claimed the right to a referendum on the future of the Republika Srpska, whereas some Bosniak politicians had suggested that the Republika Sprska be abolished.

At the meeting, the Council heard briefings by the High Representative and the Chairman of the Council of Ministers of Bosnia and Herzegovina, following which statements were made by all members of the Council, and by the representative of Finland (on behalf of the European Union).⁴²

In his briefing, the High Representative said that developments since the decision of the Peace Implementation Council to close the Office of the High Representative at the end of June 2007 had demonstrated the challenge of moving to local ownership and would have to be considered by the Peace Implementation Council during its review of the decision. He considered that the international community must hold its course and continue handing over responsibility gradually. He reported that political reforms, including the police restructuring process and constitutional reform, which were a precondition for completing the stabilization and association process, had stalled, in part because of the campaigning and rhetoric preceding the elections of 1 October 2006. The

High Representative also held that, even if there was no linkage between the decision on the final status of Kosovo and the situation in Bosnia and Herzegovina, it had the potential to be destabilizing, if the decision were to be delayed. On the outstanding issue of legal challenges to the police certification process conducted by the Task Force, the High Representative reported that his Office had worked with the United Nations and the authorities of Bosnia and Herzegovina to establish the facts and develop the outlines of a review process, but said that he was, legally and politically, unable to resolve the issue, which would have to be taken up by the Security Council.⁴³

The Chairman of the Council of Ministers of Bosnia and Herzegovina, pointing to a policy of blockade of all political reform processes by the Government of the Republika Srpska that had coincided with the general elections in Bosnia and Herzegovina in October 2006, held that the timing for the closure of the Office of the High Representative had been a “fatal misstep”, and called for the transformation into an Office of a Special Representative of the European Union not to start until it would be certain that Bosnia and Herzegovina and its new Government were completely ready to sign the Stabilization and Association Agreement with the European Union and to fulfil the expected conditions.⁴⁴

Most other speakers agreed with the policy of the High Representative to gradually hand over responsibilities to the authorities of Bosnia and Herzegovina and expressed their support for the decision of the Peace Implementation Council to close the Office of the High Representative at the end of June 2007 and to replace it with the Office of the European Union Special Representative. Most speakers also expressed their appreciation for the fact that Bosnia and Herzegovina had held its first elections that were fully administered by the authorities of the country. Many speakers regretted that political reforms had stalled.

The representative of Ghana called for the establishment of an investigative commission to determine the fate of the missing civilians of Sarajevo.⁴⁵ The representatives of Slovakia, Qatar and the United Kingdom emphasized that there was no link

⁴² Bulgaria, Croatia, Norway, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with this statement.

⁴³ S/PV.5563, pp. 2-5.

⁴⁴ *Ibid.*, pp. 6-8.

⁴⁵ *Ibid.*, p. 14.

between the situation in Bosnia and Herzegovina and the outcome of the Kosovo future status process.⁴⁶

At its 5567th meeting, on 21 November 2006, the Council extended an invitation to the representatives of Bosnia and Herzegovina, Finland, Germany and Italy to participate in the meeting. The President (Peru) drew the attention of the Council to the letter transmitting the above-mentioned thirtieth report of the High Representative,⁴⁷ as well as to a letter dated 12 October 2006 from the Secretary-General, transmitting the seventh report on the activities of EUFOR.⁴⁸ A draft resolution⁴⁹ was then put to the vote and adopted unanimously and without debate as resolution 1722 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized Member States acting through or in cooperation with the European Union to establish for a further period of 12 months a multinational stabilization force as a legal successor to SFOR under unified command and control;

Authorized the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control;

Authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement and to assist both EUFOR and the NATO presence in carrying out their missions;

Authorized the Member States to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

Demanded that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

Requested the Member States to report to the Council on the activity of EUFOR and the NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

Also requested the Secretary-General to continue to submit to the Council reports from the High Representative on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement.

⁴⁶ *Ibid.*, p. 11 (Slovakia); p. 17 (Qatar); and p. 19 (United Kingdom).

⁴⁷ S/2006/810.

⁴⁸ S/2006/809.

⁴⁹ S/2006/900.

**Decision of 29 June 2007 (5713th meeting):
resolution 1764 (2007)**

At its 5675th meeting, on 16 May 2007, the Council included in its agenda a letter dated 3 May 2007 from the Secretary-General addressed to the President of the Security Council, transmitting the thirty-first report on the activities of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.⁵⁰ In his report, the High Representative observed that highly divisive and occasionally inflammatory rhetoric during the election campaign and a protracted government-forming process after the elections in October 2006 had led to a virtual halt in reform. In addition, an uncertain regional situation, including the deferment of a Kosovo status decision and the independence referendum in Montenegro had had a negative impact on politics and political discourse in Bosnia and Herzegovina. Those factors had led the High Representative to recommend to the Peace Implementation Council to continue the Office of the High Representative beyond the envisaged closure date of 30 June 2007. The High Representative reported that the Peace Implementation Council had endorsed his view and agreed to aim for closure of the Office by 30 June 2008 and to review the situation in October 2007 and February 2008. At the same time, the High Representative reported that Bosnia and Herzegovina had joined the NATO Partnership for Peace programme and that technical negotiations with the European Union on the Stabilization and Association Agreement had been completed, while the political conditions for signing the agreement, including an agreement on police restructuring, remained unmet. He reported that constitutional reform remained a high-profile issue, although it appeared unlikely that the original reform package of April 2006 would receive the necessary support to be reintroduced in parliament. In that regard, he announced that he was preparing a broad constitutional reform process. In addition, he reported that the Council of Ministers of Bosnia and Herzegovina had adopted a unilateral decision to establish a domestic review process for officers who had been denied certification by the International Police Task Force, in response to a hunger strike by former police officers. He had called upon the Council of Ministers to respect fully its obligations under international law and had pointed out that, were its

⁵⁰ S/2007/253.

decision to be implemented, he would have no choice but to consider further measures.

At the outset of the meeting, the President (United States) drew the attention of the Council to a letter dated 8 May 2007 from the Secretary-General, transmitting the ninth report on the activities of the European Union military mission in Bosnia and Herzegovina.⁵¹ The Council then heard briefings by the High Representative and the Chairman of the Council of Ministers of Bosnia and Herzegovina, following which statements were made by all members of the Council, as well as by the representative of Germany (on behalf of the European Union).⁵²

In his briefing, the High Representative said that, despite the difficulties of the election campaign, the government-forming process and the blockage of political reforms, the path to more ownership by the people of Bosnia and Herzegovina was not wrong, but that the problems had been a warning that transition could not be taken for granted. The High Representative reported that radical rhetoric had poisoned the political environment, and the issue of Srebrenica had returned to the headlines. He said that the Bosnian authorities must carry out their responsibilities and ensure that concrete measures were taken to improve conditions, but that did not mean changing the constitutional and territorial order of Bosnia and Herzegovina. The High Representative called for progress on police reform, constitutional reform and transfer of the remaining indictees to the International Tribunal for the Former Yugoslavia, in order for the “road to Europe” to be unblocked.⁵³

Most speakers at the meeting supported the decision to maintain the Office of the High Representative until June 2008, with the representative of the United States expressing disappointment that the situation in Bosnia and Herzegovina had not been conducive to allowing the Peace Implementation Council to decide to close the Office of the High Representative.⁵⁴

The representative of the Russian Federation supported an early transfer of responsibility to the authorities of Bosnia and Herzegovina, “including with respect to the forthcoming transition of the Office of the High Representative to a European Union mission”. He also expressed the hope that in the framework of the forthcoming review, of October 2007, the members of the Steering Board of the Peace Implementation Council would “take account of the realities, not of some imagined threat to stability in Bosnia and Herzegovina”.⁵⁵

At its 5713th meeting, on 29 June 2007, the Council extended invitations to the representatives of Bosnia and Herzegovina and Germany to participate in the meeting. Statements were made by the representatives of the United Kingdom and the Russian Federation. A draft resolution submitted by the Russian Federation⁵⁶ was put to the vote and adopted unanimously as resolution 1764 (2007), by which the Council, inter alia, took note of the decision of the Steering Board of the Peace Implementation Council of 19 June 2007 that the Office of the High Representative would remain in place and continue to carry out its mandate and that the aim was closure of the Office of the High Representative by 30 June 2008.

Speaking after the vote, the representative of the United Kingdom, referring to the paragraph of the resolution by which the Council welcomed and agreed to the designation by the Steering Board of the Peace Implementation Council of Mr. Miroslav Lajčák as High Representative in succession to Mr. Christian Schwarz-Schilling, noted that it was the Steering Board that appointed the High Representative and that decided on the mandate of his office. While she held that formal agreement of the Security Council was not necessary, her delegation welcomed the support of the Council for those decisions. She also expressed her understanding that nothing in resolution 1764 (2007) or those it recalled impacted on other Balkan issues under consideration by the Council.⁵⁷ The representative of the Russian Federation held that the decision was in keeping with the Dayton Agreement, previous Council resolutions on Bosnia and Herzegovina and previous agreements.⁵⁸

⁵¹ S/2007/268.

⁵² Albania, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

⁵³ S/PV.5675, pp. 2-6.

⁵⁴ *Ibid.*, pp. 19-20.

⁵⁵ *Ibid.*, p. 11.

⁵⁶ S/2007/394.

⁵⁷ S/PV.5713, pp. 2-3.

⁵⁸ *Ibid.*, p. 3.

**Decision of 21 November 2007
(5782nd meeting): resolution 1785 (2007)**

At its 5782nd meeting, on 21 November 2007,⁵⁹ the Council included in its agenda a letter dated 5 November 2007 from the Secretary-General addressed to the President of the Council, transmitting the thirty-second report of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina.⁶⁰ In his report, the High Representative observed that there had been almost no progress in addressing the reform agenda and that Bosnia and Herzegovina had moved no closer to initialling a Stabilization and Association Agreement with the European Union. He also noted a deterioration of the political situation. The High Representative also drew the attention of the Council to a Declaration of the Steering Board of the Peace Implementation Council, in which the Steering Board noted that certain political leaders had challenged the legitimacy and authority of the High Representative and the Peace Implementation Council and reiterated that any Bosnia and Herzegovina political leader or institution to do so would be subject to appropriate measures. On the issue of legal challenges to the police certification process conducted by the International Police Task Force, he reported that a solution had been found when the President of the Security Council had sent a letter to the representative of Bosnia and Herzegovina on 30 April 2007, informing him that the Security Council had lifted a lifetime ban on employment in police agencies by persons who had been denied certification by the Task Force, following which Bosnia and Herzegovina had annulled its earlier decision to establish a review commission for those cases, which had been contrary to provisions of Council resolutions.

The Council invited the representative of Bosnia and Herzegovina to participate in the meeting. At the outset, the President (Indonesia) drew the attention of the Council to a letter dated 25 October 2007 from the

⁵⁹ At its 5780th meeting, held in private on 15 November 2007, the Security Council heard a briefing by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina and a statement by the Acting Chairman of the Council of Ministers of Bosnia and Herzegovina. Members of the Council, the High Representative, the Acting Chairman and the representatives of Portugal and Serbia had an exchange of views.

⁶⁰ S/2007/651.

Secretary-General, transmitting the eleventh report on the activities of the European Union military operation in Bosnia and Herzegovina.⁶¹ A draft resolution⁶² was then put to the vote and adopted unanimously and without debate as resolution 1785 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the Member States acting through or in cooperation with the European Union to establish for a further period of 12 months a multinational stabilization force as a legal successor to SFOR under unified command and control, which would fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognized that EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement;

Authorized the Member States to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement; authorized Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of EUFOR or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognized the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

Authorized the Member States to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.

**B. Security Council resolutions 1160
(1998), 1199 (1998), 1203 (1998), 1239
(1999) and 1244 (1999)**

**Deliberations of 6 February 2004
(4910th meeting)**

At its 4910th meeting, on 6 February 2004, at which all members of the Security Council and the representatives of Albania, Ireland (on behalf of the European Union)⁶³ and Serbia and Montenegro made statements, the Council heard a briefing by the Special

⁶¹ S/2007/632.

⁶² S/2007/673.

⁶³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

Representative of the Secretary-General and Head of the United Nations Administrative Mission in Kosovo (UNMIK). At that meeting, the Council included in its agenda the report of the Secretary-General on UNMIK dated 26 January 2004.⁶⁴

In his report, the Secretary-General observed, *inter alia*, that the establishment of a mechanism, under the authority of the Council, to measure the progress made by the Provisional Institutions of Self-Government of Kosovo⁶⁵ in meeting the benchmarks in the “standards before status” policy⁶⁶ was a most welcome development, and noted his intention to provide the Council with assessments on the progress of the Provisional Institutions on a quarterly basis. Pending the progress made towards reaching the standards, a comprehensive review of progress should occur in mid-2005. Initiation of the political process to determine the future status of Kosovo would depend on the outcome of that review. The “standards for Kosovo” document and the development of the implementation workplan would provide a clear framework within which the Provisional Institutions needed to act in accordance with resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo. The Secretary-General emphasized that the implementation of the standards did not prejudice the decision to be made by the Council on the initiation of the future status process, or on the future status of Kosovo.

Noting that multi-ethnicity, tolerance and equal rights for all communities must be upheld by all local leaders and institutions, the Secretary-General said that the United Nations stood firmly behind the principle of multi-ethnic representation and meaningful participation of all communities in the Provisional Institutions of

Kosovo. In that context, the importance of engagement of all communities in the Provisional Institutions was underlined, as lack of participation and disengagement from the political process only hampered real progress. The Secretary-General stated that acts of intimidation and violence, particularly against minorities, were detrimental to achieving progress in any area and had to stop. In addition, all of the leaders of Kosovo were urged to ensure that the rule of law was upheld. Although progress had been achieved in such areas as the preparation and adoption of legislation at both the central and local levels of self-government, in other areas, such as meaningful participation of all communities in the Provisional Institutions and the creation of an apolitical civil service, much had remained to be done. The Secretary-General expressed concern that the Kosovo Assembly had once again been refusing to take into account legitimate minority concerns in the legislative process and had overstepped its competencies, which posed a direct challenge to resolution 1244 (1999), the Constitutional Framework and the law applicable in Kosovo.

The Secretary-General expressed appreciation that the transfer of non-reserved responsibilities listed in chapter V of the Constitutional Framework had been largely completed and had to be fully and fairly implemented by the Provisional Institutions, which would be held accountable and assessed accordingly for the review process. The transfer of competencies had had no effect on the overall authority of UNMIK and the Kosovo Force (KFOR) under resolution 1244 (1999) or the reserved responsibilities of his Special Representative under chapter VIII of the Constitutional Framework. The Secretary-General reported that UNMIK had continued to monitor the situation closely and intervene as necessary, to ensure the compliance of the Provisional Institutions at both the central and municipal levels with resolution 1244 (1999), the Constitutional Framework and other applicable law in Kosovo. He noted that the robust support of the Council and key Member States would be essential for the full implementation of resolution 1244 (1999) and the “standards before status” policy. Thus the challenge ahead was for both the Provisional Institutions and UNMIK to manage the period until mid-2005 when a comprehensive review had been scheduled.

In his briefing to the Council, the Special Representative elaborated on the “standards for Kosovo” document, which had been endorsed by the

⁶⁴ S/2004/71, submitted pursuant to resolution 1244 (1999).

⁶⁵ In this Supplement, the term “Kosovo” is used as the short form for “Kosovo, State Union of Serbia and Montenegro” and “Kosovo, Republic of Serbia”, without prejudice to issues of status. On 3 June 2006, following the declaration of independence adopted by the National Assembly of Montenegro, the State Union of Serbia and Montenegro ceased to exist. As from that date, the membership of Serbia and Montenegro in the United Nations was continued by the Republic of Serbia. On 29 June 2006, the Republic of Montenegro was admitted to membership in the United Nations.

⁶⁶ See S/2003/113, annex, for an overview of the benchmarks.

Council in a presidential statement on 12 December 2003.⁶⁷ He noted that the most important task was to produce an implementation workplan that clearly set out the actions necessary to reach the standards. Towards that end, while five working groups were working intensively to produce the plan, there had continued to be no Kosovo Serb representation in that process. The Special Representative stressed that the principal concern of the Kosovo Serbs — that the standards process was undermining resolution 1244 (1999) — was wholly unfounded. Concerning the process of direct dialogue between Pristina and Belgrade, he underlined that it was the responsibility of the Provisional Institutions of Self-Government, in cooperation with UNMIK, to engage actively and seriously, without further delay, in direct dialogue. The Special Representative noted that the undetermined status of Kosovo helped no one in Kosovo, and needed to be resolved sooner rather than later.⁶⁸

Most speakers concurred that the adoption of the “standards for Kosovo” had to be followed by concrete implementation and expressed concern over the lack of Kosovo Serb representation in the working groups drawing up the workplan. A few speakers observed that Belgrade had appeared to be actively discouraging Kosovo Serbs from participating, and in that regard encouraged Belgrade to take a more positive stance.⁶⁹ The representative of Serbia and Montenegro asserted that the non-Albanian communities had been denied any meaningful participation in political life by the Provisional Institutions to the extent that not even basic access to documentation in their mother tongues had been ensured.⁷⁰

Many speakers noted that, if Kosovo made the necessary progress on the standards, then a process would begin to determine the final status in accordance with resolution 1244 (1999). However, if it did not pass the review on that date, then another review would have to be done at a later date. The representative of the Russian Federation agreed with the view of the Secretary-General that movement forward in the Kosovo settlement was not possible without achieving progress on the standards implementation. He also stressed that a positive outcome to the comprehensive review of the

implementation of standards should not automatically trigger the political process to determine the final status of Kosovo, and that the decision to commence such a process should be taken by the Council.⁷¹

**Decision of 18 March 2004 (4928th meeting):
statement by the President**

By a letter dated 17 March 2004 addressed to the President of the Security Council, the representative of Serbia and Montenegro requested an urgent meeting of the Council to consider “the latest outbreak of violence in Kosovo and Metohija”.⁷²

At its 4928th meeting, on 18 March 2004, held in response to the request outlined in the above-mentioned letter, which the Council included in its agenda, the Council was briefed by the Secretary-General on the violent events that had unfolded in Kosovo on 17 March 2004. All members of the Council and the representatives of Albania, Ireland (on behalf of the European Union),⁷³ Japan, Jordan, Serbia and Montenegro and the former Yugoslav Republic of Macedonia made statements.

In his briefing, the Secretary-General observed that the overall security situation throughout Kosovo had remained highly unstable. He expressed his deep disappointment and sadness at the resurgence of ethnically motivated violence, which had claimed 31 deaths and left hundreds injured. He stated that the violence, as well as the deliberate attacks on representatives of the international community, in particular UNMIK and KFOR, had to be condemned in the strongest terms. The Secretary-General further stressed that there was a need to carefully study the implications of those events for the future of Kosovo. However, the first priority was to restore safety and security to the province. He called on the leaders of the communities and the representatives of the Provisional Institutions of Kosovo to work with the international community, with each other and with the people of Kosovo to restore calm. He also reminded the leaders of the Kosovo Albanian community that as the largest ethnic group they had the responsibility to protect and

⁶⁷ S/PRST/2003/26.

⁶⁸ S/PV.4910, pp. 2-5.

⁶⁹ *Ibid.*, p. 8 (United Kingdom); and p. 14 (Germany).

⁷⁰ *Ibid.*, p. 23.

⁷¹ *Ibid.*, pp. 9-11.

⁷² S/2004/220.

⁷³ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

promote the rights of all people within Kosovo, particularly its minorities. The Secretary-General expressed trust that the Security Council would give the situation the urgent and serious attention that it required.⁷⁴

All speakers strongly occurred the acts of violence that had taken place between the communities of Kosovo over the past days. Some speakers voiced concern that the outbreak of violence had compromised the political process and the progress that had to date been achieved.⁷⁵ Several speakers expressed the view that the violence had demonstrated the fragility and instability of the peace in Kosovo.⁷⁶

The representative of the Russian Federation maintained that the acts of violence were “targeted actions to squeeze the non-Albanian population out of the region”, and held that the process of building a multi-ethnic society in Kosovo in conformity with resolution 1244 (1999) had not merely been “bogged down” but was in fact “back to square one”.⁷⁷

At the end of the meeting, the President (France) made a statement on behalf of the Council,⁷⁸ by which the Council, *inter alia*:

Strongly condemned the large-scale inter-ethnic violence in Kosovo (Serbia and Montenegro) in which many people have been killed and hundreds injured;

Also strongly condemned the attacks on the troops of KFOR and the personnel and sites of UNMIK;

Called on all communities in Kosovo to stop all acts of violence, to avoid further escalation and restore calm;

Urged the parties to refrain from irresponsible and inflammatory statements and accusations;

Deplored the reported deaths and injuries among the population of Kosovo as well as casualties among the Kosovo Police Service, UNMIK international civilian police, and KFOR troops;

Reiterated the urgent need for the authorities in Kosovo to take effective steps to enforce the rule of law, ensure proper security for all ethnic communities and bring to justice all the perpetrators of criminal acts.

Decision of 30 April 2004 (4960th meeting): statement by the President

At its 4942nd meeting, on 13 April 2004, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations on the widespread violence that had erupted in Kosovo in March 2004, the responses to that violence and the implications of those events. In addition to all members of the Council, the representatives of Albania, Ireland (on behalf of the European Union),⁷⁹ Japan and Serbia and Montenegro made statements.

In his briefing, the Under-Secretary-General reported that the “onslaught led by Kosovo Albanian extremists against Kosovo Serbs, Roma and Ashkali communities” had been an organized, widespread and targeted campaign. The attacks on Kosovo Serbs had occurred throughout Kosovo, including where groups of displaced Kosovo Serbs had recently returned and had planned to rebuild their lives in Kosovo. Properties had been demolished and public facilities such as schools and health clinics destroyed; mobs had looted, burned and damaged or destroyed 36 Serbian Orthodox churches; communities had been surrounded and threatened and residents forced to leave their homes. Inhabitants of entire villages had to be evacuated and, following their departure, their homes were burned to the ground. The Under-Secretary-General said that the “brutality and breadth” of those events had indicated that Kosovo still had a long way to go on the path of multi-ethnicity and that the violence represented a huge setback for the stabilization and normalization of the security and political environment of Kosovo. He underlined the importance of getting the standards implementation process back on track and noted that the Special Representative had gone ahead with the launch of the Kosovo Standards Implementation Plan in order to move the process forward and not lose momentum. The Plan contained key priority actions in the areas of return and freedom of movement in response to the violent events of March. The Under-Secretary-General observed that further review and revision of the Plan, with additional emphasis on security and the rule of law, minority rights and

⁷⁴ S/PV.4928, pp. 2-3.

⁷⁵ *Ibid.*, p. 5 (Chile); p. 6 (Romania); p. 7 (Angola); and p. 12 (Algeria).

⁷⁶ *Ibid.*, p. 13 (Russian Federation); and p. 6 (China).

⁷⁷ *Ibid.*, pp. 12-13.

⁷⁸ S/PRST/2004/5.

⁷⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

protection and returns, and on decentralization, could be needed in the wake of the violence.⁸⁰

Most speakers reiterated their continued support for the Kosovo Standards Implementation Plan.

The representative of the United Kingdom proposed that there ought to be a presidential statement to the effect that the Implementation Plan was a step forward, and calling on all parties to actively implement the standards.⁸¹

The representative of the Russian Federation said that in the light of the violent events of March all talk about a timetable for the final status of Kosovo was highly inappropriate. In contrast to the representative of France, who maintained that the Council should not change the approach to the Implementation Plan,⁸² the representative of the Russian Federation said that the Plan required thoroughgoing revision to reinforce its provisions in the areas of providing equal security, freedom of movement and the rights and freedoms of ethnic minorities.⁸³

The representative of Serbia and Montenegro opined that the Implementation Plan failed to provide sufficient guarantees for the survival of the Serb population in the province, let alone for returns. He stressed that the Government of Serbia and Montenegro and the Government of Serbia opposed any changes of borders in the Balkans and added that both Governments looked to a future marked by a process of integration rather than of disintegration.⁸⁴

At its 4960th meeting, on 30 April 2004, at which the representative of Serbia and Montenegro was invited to participate,⁸⁵ the President (Germany) made a statement on behalf of the Council, by which the Council,⁸⁶ inter alia:

Noted that the presentation of the Kosovo Standards Implementation Plan on 31 March 2004 in Pristina in Kosovo, Serbia and Montenegro, was a step forward in the standards process;

Reaffirmed its full support for the “standards before status” policy that was devised for Kosovo and endorsed by the Council in application of its resolution 1244 (1999);

Stressed that it was essential to review and revise in a timely manner two key sections of the document, namely “sustainable returns and the rights of communities and their members” and “freedom of movement”;

Emphasized that no party could be allowed to profit or to advance a political agenda through violent measures;

Called upon the Provisional Institutions of Self-Government and all political leaders to take responsibility in the current situation and to ensure that such acts and threats of violence were not repeated.

Deliberations of 11 May 2004 to 27 May 2005 (4967th, 5017th, 5089th, 5130th and 5188th meetings)

At its 4967th, 5017th, 5089th, 5130th and 5188th meetings,⁸⁷ the Council included in its agenda reports of the Secretary-General on UNMIK.⁸⁸ In his reports, the Secretary-General observed, inter alia, that the ethnically motivated violence of March 2004 had been a serious setback for the efforts to build a democratic, multi-ethnic and stable Kosovo. The process of normalization and reconciliation had been seriously damaged, calling into question the timetable for a successful implementation of the standards that the international community had set for Kosovo, and threatening to destabilize the region.

The Secretary-General reported that during the period from 30 April 2004 to 23 May 2005 UNMIK had continued to operate within the framework provided by the “standards before status” policy, which offered a road map for the interim stage. He observed that the continued lack of freedom of movement, precarious security conditions and lack of access to public services for the minority groups of Kosovo had resulted in only minimal returns of those who had fled during the violence of March 2004. He noted that the elections for the Kosovo Assembly on 23 October 2004, judged to be free and fair, had been an important further step in the consolidation of the Provisional Institutions of Self-Government and the process of stabilization and normalization. In that regard, the

⁸⁰ S/PV.4942, pp. 2-5.

⁸¹ Ibid., p. 7.

⁸² Ibid., p. 14.

⁸³ Ibid., p. 13.

⁸⁴ Ibid., pp. 19-20.

⁸⁵ The Secretary-General also participated in the meeting.

⁸⁶ S/PRST/2004/13.

⁸⁷ Held on 11 May 2004, 5 August 2004, 29 November 2004, 24 February 2005 and 27 May 2005.

⁸⁸ Dated 30 April 2004 (S/2004/348), 30 July 2004 (S/2004/613), 17 November 2004 (S/2004/907), 14 February 2005 (S/2005/88) and 23 May 2005 (S/2005/335 and Corr.1).

Secretary-General expressed disappointment over the non-participation of the Kosovo Serb community.⁸⁹

In his report of 30 July 2004, the Secretary-General noted that he had requested that a comprehensive review of the policies and practices of all actors in Kosovo be conducted and that options and recommendations be provided as a basis for further thinking on the way forward. To that end, Ambassador Kai Eide had completed and submitted an assessment for the consideration of the Secretary-General.⁹⁰

In his report of 14 February 2005, the Secretary-General observed that while progress had been made concerning the implementation of standards, further sustained effort was required in areas of importance to minority communities, notwithstanding the lack of engagement in the Provisional Institutions at the central level by the majority of Kosovo Serb political entities and leaders.⁹¹ In mid-2005, while observing that the Provisional Institutions had intensified their efforts to implement the standards, the Secretary-General reported that the overall number of returns had remained low and the process remained fragile. Having taken careful consideration, he expressed the view that a comprehensive review should be initiated in the summer of 2005, which would be carried out in accordance with resolution 1244 (1999) and the relevant presidential statements of the Council, and noted his intent to appoint a Special Envoy to conduct that review. He underlined that the outcome of the comprehensive review would not be a foregone conclusion with regard to the final status of Kosovo.⁹²

Over the course of the deliberations, in addition to all members of the Council, statements were made by the representatives of Albania, Iceland, Japan, Norway, Serbia and Montenegro, Switzerland, Ukraine and, on behalf of the European Union, Ireland,⁹³ Luxembourg⁹⁴ and the Netherlands.⁹⁵ At its 5188th

meeting, the President (Denmark) drew the attention of the Council to a letter dated 18 May 2005 from the representative of Serbia and Montenegro.⁹⁶

At those meetings, the Council was briefed on the basis of the above-mentioned reports of the Secretary-General by the Assistant Secretary-General for Peacekeeping Operations⁹⁷ and the Special Representative.⁹⁸

In response to the reports of the Secretary-General and the briefings on UNMIK, most speakers expressed their continued support for the process of peace and reconciliation as foreseen by resolution 1244 (1999) and the “standards before status” policy for Kosovo, and urged the Provisional Institutions to demonstrate their responsibility for, and commitment to, achieving concrete progress on the implementation of the standards. Although welcoming the free and fair Kosovo Assembly elections held on 23 October 2004, many speakers expressed regret over the low turn-out of the Kosovo Serb community. The representative of the Russian Federation stated that the low turn-out was an indicator of the “utterly unsatisfactory” state of affairs in the sphere of ensuring the human rights and security of ethnic minorities.⁹⁹

Most speakers concurred with the recommendation of the Secretary-General in his report of May 2005 to launch a comprehensive evaluation of the situation and to appoint a Special Envoy for that purpose.

The representative of Pakistan noted that the entire process of seeking to promote standards without addressing the status issue had been flawed at its conception and inappropriate to prepare Kosovo for the

⁸⁹ S/2004/907

⁹⁰ S/2004/613.

⁹¹ S/2005/88.

⁹² S/2005/335.

⁹³ At the 4967th meeting, Bulgaria, Iceland, Liechtenstein, Norway and Romania aligned themselves with the statement.

⁹⁴ At the 5130th meeting, Bulgaria, Croatia, Iceland, Romania and Turkey aligned themselves with the statement. At the 5188th meeting, Bulgaria, Croatia, Iceland, Norway, Romania and Turkey aligned themselves with the statement.

⁹⁵ At the 5017th meeting, Bulgaria, Croatia, Liechtenstein, Norway, Romania and Turkey aligned themselves with the statement. At the 5089th meeting, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁹⁶ S/2005/329, transmitting a letter from the Minister for Human and Minority Rights of Serbia and Montenegro and the President of the Coordination Centre of Serbia and Montenegro and the Republic of Serbia for Kosovo and Metohija, addressed to the Secretary-General, concerning the situation of human rights in Kosovo, especially the rights of the non-Albanian national communities.

⁹⁷ At the 5017th meeting.

⁹⁸ At the 4967th, 5089th, 5130th and 5188th meetings.

⁹⁹ S/PV.5089, pp. 12-13.

transition from war to peace, from socialism to a market economy, and from international political limbo to political and legal clarity. Within that context, he proposed that the Council should promote a “status with standards” approach.¹⁰⁰

The representative of the Russian Federation stressed that the premise of the Secretary-General, that the peace process in Kosovo must be built on the solid legal basis of resolution 1244 (1999), was of fundamental importance and that strategically important steps in that sphere needed to be implemented with the Council playing a lead role.¹⁰¹

The representative of China noted that a comprehensive and satisfactory resolution of the Kosovo issue had to be predicated on the full implementation of resolution 1244 (1999).¹⁰²

The representative of Serbia and Montenegro noted that the optimal solution, with regard to the future status of Kosovo, would not be one that gave everything to one ethnic community and deprived another of everything else.¹⁰³ He noted that the situation of the non-Albanian communities in Kosovo had remained unacceptably poor. He argued that suggestions that “standards before status” be reformulated into a “both standards and status” policy actually implied the search for a quick exit strategy and the failure on the part of the international community to create a truly multi-ethnic and democratic society in Kosovo.¹⁰⁴

The representative of Luxembourg, speaking on behalf of the European Union, asserted that Kosovo would not return to a pre-1999 situation and that the European Union was unwavering in its commitment to help a democratic and multi-ethnic Kosovo, characterized by the protection the European Union provided to its minority communities, on its way to full integration in Europe, regardless of its future status.¹⁰⁵

The representative of Serbia and Montenegro voiced concern over the recommendation in the report of the Secretary-General of 23 May 2005 that a comprehensive review of the standards should be

initiated in the summer of 2005. He stated that, in order to move ahead with that process, concrete and not imaginary progress was needed, and as such it would be counterproductive to open the status discussion before the standards — the basic provisions of resolution 1244 (1999) — had been substantively implemented.¹⁰⁶

**Decision of 24 October 2005 (5290th meeting):
statement by the President**

At its 5289th meeting, on 24 October 2005, the Council included in its agenda a letter dated 7 October 2005 from the Secretary-General to the President of the Council,¹⁰⁷ in which the Secretary-General noted that he accepted the conclusion of his Special Envoy to undertake a comprehensive review of the situation in Kosovo, Ambassador Kai Eide, with regard to the commencement of the final status process of Kosovo and noted that he intended to initiate preparations for the possible appointment of a new special envoy to lead that process.

At that meeting, the Council heard briefings by the Special Envoy and the Special Representative of the Secretary-General and Head of UNMIK, and heard a statement by the Prime Minister of Serbia and Montenegro.

In his briefing, the Special Envoy said that, although there would never be a good moment for addressing the future status of Kosovo, the time had come to start the future status process. Arguing that it would be unlikely that postponing the future status process would lead to significant progress in the implementation of standards, he held that progress would be achieved only if the sense of a political perspective was maintained and if the international community was ready to mobilize greater political energy and pressure. The Special Envoy acknowledged that the determination of the future status of Kosovo was and would remain a highly sensitive political issue with serious regional and wider international implications.¹⁰⁸

¹⁰⁰ S/PV.4967, pp. 20-21.

¹⁰¹ S/PV.5089, p. 13.

¹⁰² *Ibid.*, p. 18.

¹⁰³ *Ibid.*, p. 28.

¹⁰⁴ S/PV.5130, p. 7.

¹⁰⁵ *Ibid.*, p. 23.

¹⁰⁶ S/PV.5188, pp. 7-9.

¹⁰⁷ S/2005/635; letter referring to the report of the Secretary-General of 23 May 2005 on UNMIK (S/2005/335 and Corr.1) and submitting a comprehensive review of the situation in Kosovo prepared by the Special Envoy of the Secretary-General.

¹⁰⁸ S/PV.5289, pp. 2-4.

In his briefing, the Special Representative observed that although the Security Council had been noting the positive developments in Kosovo, including improvements in security and in the fields of standards implementation, the Council had also underlined the need for further progress. The Special Representative held that the start of the status process would be a galvanizing moment in Kosovo and expressed confidence that the resolution of the final status would have a positive effect on the wider region, including Serbia, in terms of political stabilization, reconciliation and economic growth.

Guided by the report of the Special Envoy, UNMIK had identified six priority areas on which it intended to concentrate over the coming months, namely, to continue with the implementation of standards; to support the Provisional Institutions in pursuing a comprehensive reform of local government; to transfer competences from UNMIK to the Provisional Institutions within the security sector; to strengthen the capacity-building of the Provisional Institutions; and to continue to develop a phased and well-managed transition to eventual future arrangements, following, but without prejudice to, the outcome of status talks; and continue efforts to ensure the maintenance of a safe and secure environment for all communities in Kosovo. The Special Representative expressed the belief that the status process presented a chance for Belgrade and, importantly, for Kosovo Serbs to engage. Acknowledging that the Security Council had played a key role thus far, he noted that he could count on the continued support and active engagement of the members of the Council in the ongoing and next decisive phase of the implementation of resolution 1244 (1999).

In his statement to the Council, the Prime Minister of Serbia asserted that any solution to the final status of Kosovo must respect the sovereignty and territorial integrity of Serbia and Montenegro as an internationally recognized State, a member of the United Nations and other international organizations. He emphasized that the principle was supported by the basic sources of international law, including the Charter of the United Nations and the Helsinki Final Act, and in the particular case at hand was confirmed by resolution 1244 (1999), where the sovereignty and territorial integrity of Serbia and Montenegro were recognized *expressis verbis*.¹⁰⁹

¹⁰⁹ Ibid., p. 9.

At the 5290th meeting, on 24 October 2005,¹¹⁰ in which the Council again included in its agenda a letter dated 7 October 2005 from the Secretary-General to the President of the Council,¹¹¹ the President (Romania) made a statement on behalf of the Council¹¹² by which the Council, inter alia:

Welcomed the report prepared by the envoy of the Secretary-General, Mr. Kai Eide, on the comprehensive review of the implementation of standards, as well as of the overall situation in and relating to Kosovo, Serbia and Montenegro, forwarded by the Secretary-General on 7 October 2005;

Agreed with Mr. Eide's overall assessment that, notwithstanding the challenges still facing Kosovo and the wider region, the time had come to move to the next phase of the political process;

Supported the intention of the Secretary-General to start a political process to determine the future status of Kosovo, as foreseen in Council resolution 1244 (1999);

Requested that the Secretary-General provide regular updates on progress in determining the future status of Kosovo, as defined by Council resolution 1244 (1999), and would remain actively seized of the matter.

Deliberations of 14 February to 13 December 2006 (5373rd, 5470th, 5522nd and 5588th meetings)

At its 5373rd, 5470th, 5522nd and 5588th meetings,¹¹³ the Security Council included in its agenda the reports of the Secretary-General on UNMIK.¹¹⁴ In his reports, the Secretary-General noted, inter alia, that on 10 November 2005 the Council had endorsed the appointment of Marti Ahtisaari as his Special Envoy for the future status process of Kosovo¹¹⁵ and the Kosovo Albanian political and institutional leaders had welcomed the guiding principles of the Contact Group for a settlement of Kosovo.¹¹⁶ He observed that during the launching and proceeding of the political process to determine the future status of Kosovo, little common

¹¹⁰ The Prime Minister of Serbia and Montenegro, the Special Representative and the Special Envoy of the Secretary-General were invited to attend the meeting.

¹¹¹ S/2005/635.

¹¹² S/PRST/2005/51.

¹¹³ Held on 14 February 2006, 20 June 2006, 13 September 2006 and 13 December 2006. At its 5485th and 5531st meetings, held in private on 13 July 2006 and 22 September 2006, the Council heard statements by the Prime Minister and the President of Serbia, respectively.

¹¹⁴ S/2006/45, S/2006/361, S/2006/707 and S/2006/906.

¹¹⁵ S/2005/709.

¹¹⁶ S/2005/709, annex.

ground had to date been identified between the positions of the Serbian and Kosovo delegations, which had remained committed to “substantial autonomy” and “full independence” respectively, with minimal space for negotiation. The Secretary-General expressed concern over the continued incidents of violence targeting civilians and religious sites and, in September 2006, over the cessation of relations by the northern Kosovo Serb majority municipalities with the Provisional Institutions.¹¹⁷ The Secretary-General welcomed the activities of the European Union on the ground, which together with the efforts of other partner organizations would assist in a coherent transition following an eventual determination of the future status of Kosovo.

At the meetings, in addition to all members of the Council, statements were made by the representatives of Albania, Serbia and Montenegro, Turkey and Ukraine and, on behalf of the European Union, Austria¹¹⁸ and Finland.¹¹⁹ The Council heard briefings by the Special Representative on the above-mentioned reports of the Secretary-General.

Most speakers extended their continued support for the negotiation process under the auspices of the Special Envoy of the Secretary-General.

The representative of the Russian Federation expressed the view that during the direct negotiation talks, the parties had to reach an agreement on the future status of Kosovo, without any decisions being imposed on them. He additionally noted that such an agreement needed to be backed up by a new Security Council resolution.¹²⁰

The President of the Republic of Serbia¹²¹ warned that to view Kosovo as an exception and a unique case

was dangerous and politically unwise, however numerous the supporters of that idea might be.¹²²

The representative of the United States stressed the need to be realistic about the possible status outcomes, one possibility of which was independence. He further noted that any status outcome must be acceptable to the people of Kosovo. He expressed the need to keep in mind that the violent disintegration of Yugoslavia, the ethnic cleansing and humanitarian crises of 1999 and the extended period of international administration under resolution 1244 (1999) had made Kosovo a very special case.¹²³

The representative of Albania welcomed the guiding principles of the Contact Group for a settlement of the status of Kosovo,¹²⁴ which outlined that Kosovo should not return to the pre-March 1999 situation; that there be no changes in the current territory of Kosovo; no partition of Kosovo and no union with any other country or with part of any other country.¹²⁵

The representative of Finland, speaking on behalf of the European Union, noted that, depending on the future status settlement, the engagement of the European Union in Kosovo was to have three main components: the contribution to a possible future international civilian presence, a possible European Security and Defence Policy operation in the broader field of the rule of law, and a presence related to the European perspective on Kosovo. She further noted that preparations were well under way in all of those areas and that a planning team of the European Union had already been established and deployed in Kosovo to make preparations for those possibilities.¹²⁶

The representative of Ukraine stressed that the political process of determining the future status of Kosovo should be handled with the maximum level of responsibility by all the parties involved. Any imposed decision or hasty actions leading to a unilateral change of the borders of an internationally recognized democratic state in the Balkan region would destabilize the situation and set a dangerous precedent in Europe and the entire world. He therefore thought that it was particularly important to ensure that the eventual decision of the Council on the final status of Kosovo

¹¹⁷ S/2006/707.

¹¹⁸ At the 5373rd meeting, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

¹¹⁹ At the 5522nd meeting, Bulgaria, Croatia, Iceland, Norway, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement. At the 5588th meeting, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, the Republic of Moldova, Romania, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹²⁰ S/PV.5373, p. 5.

¹²¹ On behalf of the State Union of Serbia and Montenegro.

¹²² S/PV.5373, p. 7.

¹²³ *Ibid.*, p. 20.

¹²⁴ S/2005/709, annex.

¹²⁵ S/PV.5373, p. 25.

¹²⁶ S/PV.5522, p. 23.

did not impose a solution, but was taken only with the clearly expressed consent of both parties concerned.¹²⁷

The representative of the United Kingdom said that it should be recognized that the growing consensus on the part of many observers was that any settlement was likely to be based on some form of independence for Kosovo, supervised by a robust international civilian and military presence and with cast-iron guarantees protecting the rights and security of the minority communities of Kosovo. She noted that such an outcome would be consistent with the guiding principles and ministerial statements of the Contact Group, echoed by many in the Council, regarding a settlement that would be acceptable to the majority of people in Kosovo.¹²⁸

The representative of China held that both the international community and the Council should be impartial on the question of the future status of Kosovo and encourage both sides to seek a mutually acceptable plan through constructive negotiations on the basis of the relevant resolutions of the Council.¹²⁹

In contrast to the representative of Serbia, who stressed that the issue of Kosovo was by its very essence a matter of precedent,¹³⁰ the representative of Finland, on behalf of the European Union, said that the European Union viewed the question of the status of Kosovo as *sui generis*. She stressed that the outcome of the status process would not set a precedent for other regions because its status was exceptional, having been based on resolution 1244 (1999).¹³¹

Deliberations of 19 March 2007 and 3 April 2007 (5640th and 5654th meetings)

At its 5640th meeting, held in private on 19 March 2007, the Council included in its agenda the report of the Secretary-General dated 9 March 2007.¹³² In his

¹²⁷ Ibid., pp. 24-25.

¹²⁸ S/PV.5588, p. 19.

¹²⁹ Ibid., p. 18.

¹³⁰ Ibid., p. 25.

¹³¹ Ibid., p. 22.

¹³² S/2007/134.

report, the Secretary-General noted that his Special Envoy on the future status of Kosovo had submitted a draft comprehensive proposal for the Kosovo status settlement to the parties on 2 February 2007 and had invited the parties to engage in a consultative process on the proposal.

At that meeting, the Council had an exchange of views with the President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

At its 5654th meeting, held in private on 3 April 2007, the Council included in its agenda a letter dated 26 March 2007 from the Secretary-General,¹³³ transmitting the report of his Special Envoy on the future status of Kosovo and the comprehensive proposal for the Kosovo status settlement. In his report, the Special Envoy had concluded that the only viable option for Kosovo was independence, to be supervised for an initial period by the international community. As part of his comprehensive proposal, the Special Envoy had set forth those international supervisory structures which would provide the foundation for a viable, sustainable and stable future independent Kosovo, in which all communities and their members could live a peaceful and dignified existence. In his letter to the Council, the Secretary-General offered his full support for the recommendations put forward by his Special Envoy.

At that meeting, the Council heard a briefing by the Special Envoy of the Secretary-General, a statement by the Prime Minister of Serbia and a statement by the Special Representative, speaking in part on behalf of the President of Kosovo.

Deliberations of 19 December 2007 (5811th meeting)

At its 5811th meeting, held in private on 19 December 2007, the Council had an exchange of views with the Prime Minister of Serbia and Mr. Sejdiu.

¹³³ S/2007/168 and Add.1.

31. The situation in Georgia

**Decision of 30 January 2004 (4906th meeting):
resolution 1524 (2004)**

At its 4906th meeting, on 30 January 2004,¹ the Security Council included in its agenda the report of the Secretary-General dated 14 January 2004 concerning the situation in Abkhazia, Georgia.² In his report, the Secretary-General welcomed the momentum that the United Nations-led peace process had gained in the course of 2003, as well as the increased involvement of the Group of Friends of the Secretary-General and the renewed willingness of the sides to engage constructively on practical matters in areas of key concern: economic cooperation, return of refugees and internally displaced persons, and political and security matters. He noted, however, that progress had remained painfully slow and that sustained efforts by the United Nations Observer Mission in Georgia (UNOMIG), supported by the Group of Friends, had been required to keep the sides focused on moving forward.

The Secretary-General observed that the increasingly complex political situation on both sides of the ceasefire line and the events that had led to the resignation of the President of Georgia in November 2003 had put the peace process temporarily on hold. He encouraged both sides to continue with the implementation of outstanding recommendations of the 2000 joint assessment mission³ and the 2002 security assessment mission.⁴ Two years after the finalization of the document entitled “Basic Principles for the Distribution of Competences between Tbilisi and

Sukhumi,” negotiations on the future political status of Abkhazia within the State of Georgia had not yet started. The Secretary-General had appealed to the Abkhaz side to abandon its uncompromising position and take advantage of the change of leadership in Tbilisi to negotiate a mutually acceptable and lasting settlement. The Secretary-General recommended the further extension of the mandate of UNOMIG for six months, owing to his conviction that the presence of UNOMIG continued to remain critical for maintaining stability in the zone of conflict and enhancing the peace process towards a comprehensive political settlement.

The President (Chile) 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 1524 (2004), by which the Council, *inter alia*:

Stressed its strong support for the document entitled “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi”;

Urged the parties to participate in a more active, regular and structured manner in the task forces established at the first Geneva meeting and stressed that results-oriented activities in priority areas remained key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement;

Called upon the parties to spare no effort to overcome their ongoing mutual mistrust;

Called again upon the parties to ensure the necessary revitalization of the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms;

Stressed the urgent need for progress on the question of the refugees and internally displaced persons;

Recalled that the Abkhaz side bore a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

Called upon both parties to publicly dissociate themselves from any militant rhetoric and demonstrations of support for military options or for the activities of illegal armed groups;

Urged the parties, once again, to take all necessary steps to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001, to bring them to justice, and to inform the Special Representative of the steps taken;

Decided to extend the mandate of UNOMIG for a new period terminating on 31 July 2004, subject to a review as

¹ At its 4904th meeting, held in private on 27 January 2004, the Council was briefed by the Special Representative of the Secretary-General and Head of Mission for Georgia, and had a constructive exchange of views. 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 Observer Mission in Georgia (UNOMIG), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 23 January 2004 (4900th), 26 July 2004 (5010th), 25 July 2005 (5234th), 26 January 2006 (5357th), 28 March 2006 (5398th), 6 October 2006 (5544th), 10 April 2007 (5657th), 11 October 2007 (5756th) and 23 January 2004 (4900th).

² S/2004/26.

³ See S/2001/59, annex II.

⁴ See S/2003/412, para. 16.

⁵ S/2004/77.

appropriate of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force of the Commonwealth of Independent States.

**Decision of 29 July 2004 (5013th meeting):
resolution 1554 (2004)**

At its 4916th meeting, on 26 February 2004, at which no statements were made, the Council was briefed by the President of Georgia.

In his briefing, the President of Georgia expressed his unwavering commitment to the peaceful resolution of the conflict in Abkhazia, Georgia. He called upon the people of Abkhazia to rise above the confrontation and seize the unique window of opportunity due to the recent developments and changes in Georgia. He expressed his readiness to guarantee the highest possible degree of autonomy to Abkhazia within the State of Georgia. With regard to relations with the Russian Federation, the President of Georgia stated, *inter alia*, that the policy of the Russian Federation of providing citizenship to the population of the conflict regions would have to end. Additionally, the visa-free regime in place in Abkhazia and the former South Ossetia would have to end, or be introduced for every individual inhabitant and citizen of Georgia in conjunction with the Georgian Central Government and the Georgian authorities — not unilaterally with unrecognized local authorities. The President stressed that the Geneva process, initiated in Sochi by the President of the Russian Federation, also had to advance, specifically the deployment of a civilian police unit in the Gali region as a necessary instrument for the return of the internally displaced persons and refugees.⁶

At its 4958th meeting, on 29 April 2004, at which the Prime Minister of Georgia made a statement, the Council included in its agenda the report of the Secretary-General concerning the situation in Abkhazia, Georgia, dated 20 April 2004.⁷ In his report, the Secretary-General observed, *inter alia*, that his Special Representative and UNOMIG had continued efforts to promote stability in a complex political environment and to assist the sides in renewing their dialogue and building common ground as a means of advancing the peace process. However, progress had remained painfully slow and no movement had been

made by the Abkhaz side on the core political question and negotiations on a comprehensive political settlement had not yet begun. Cautious optimism was however expressed in view of the change of leadership in Tbilisi and the renewed efforts of the Government of Georgia to resolve the country's internal conflicts. The Secretary-General urged the Abkhaz side to permit the deployment of UNOMIG civilian police in the Gali sector, in line with its earlier commitments, to facilitate improved police practices and better cooperation between local law enforcement agencies and thereby to improve the overall security situation for all inhabitants of the area.

In his briefing to the Council, the Prime Minister of Georgia reiterated the position that his country remained committed to the peaceful resolution of the conflict in Abkhazia, Georgia. With regard to the establishment of the civilian police component in the Gali region, the Prime Minister noted that the Abkhaz authorities had continued to obstruct the full formation and deployment of the units, which continued to create significant problems for the population in the Gali district. Regret was expressed over the fact that the Abkhaz side had refused to participate in the third meeting of the Geneva process in February 2004 and that the Council should thus pay more attention to the unconstructive position of the "separatists". He noted that three years had elapsed since the Group of Friends had agreed on and supported the Boden document on the distribution of constitutional competencies between Tbilisi and Sukhumi, and that the Russian Federation, as facilitator, had been trying to transmit the paper to the Abkhaz side, to little avail. Finally, the Prime Minister requested the international community, and in particular the Council, to reinvigorate their efforts to reach a comprehensive, peaceful resolution to the conflict.⁸

At its 5013th meeting, on 29 July 2004, the Council included in its agenda the report of the Secretary-General dated 14 July 2004 concerning the situation in Abkhazia, Georgia.⁹ In his report, the Secretary-General observed, *inter alia*, that, on the political front, while the Georgian and Abkhaz sides had continued with practical cooperation, particularly in the security domain, a substantive dialogue on the key issues of the conflict had still been lacking. He

⁶ S/PV.4916, pp. 3-5.

⁷ S/2004/315.

⁸ S/PV.4958, pp. 2-4.

⁹ S/2004/570.

noted the widely held belief that the existing complex political situation in Abkhazia, Georgia, on the eve of the “presidential elections” scheduled for October 2004, had been one of the main factors negatively affecting the positions of the Abkhaz side in the Georgian-Abkhaz peace process and the pace of the peace process in general. He expressed his strong hope that, with time, the leadership in Sukhumi would reconsider its stance and respond constructively to the offer by the new Georgian leadership for a renewed and direct meaningful dialogue on all substantive issues of the conflict.

The Secretary-General noted that UNOMIG continued its efforts on the three issues identified as priority areas for advancing the peace process: political and security matters, return of refugees and internally displaced persons, and economic cooperation. The Group of Friends had continued to provide invaluable support to those efforts. However, it had remained clear that without a comprehensive settlement of the conflict, there would be neither lasting security nor economic prosperity.

The Secretary-General welcomed the discussions that had taken place between the parties on security guarantees and the return of refugees. With regard to the security of UNOMIG personnel, he stated that the readiness of both sides to provide meaningful assurances towards that end should be followed up with resolute action to identify and bring to justice the perpetrators of criminal acts against Mission personnel. The Secretary-General stated that the role played by UNOMIG with regard to preventing the resumption of hostilities and pursuing a lasting solution of the conflict remained relevant and important and recommended that the mandate of UNOMIG should be extended for a further period of six months.

The President (Romania) drew the attention of the Council to a letter dated 26 July 2004 from the representative of Georgia.¹⁰ The President then drew the attention of the Council to a draft resolution;¹¹ it was put to the vote and adopted unanimously and

¹⁰ S/2004/595, concerning recent developments in the conflict resolution process in Abkhazia, Georgia, and highlighting some of the changes and achievements that had taken place in Georgia under the new Government, particularly as they related to the peace process.

¹¹ S/2004/600.

without debate as resolution 1554 (2004), by which the Council, *inter alia*:

Called upon the parties to spare no effort to overcome their ongoing mutual mistrust, and underlined that the process of negotiation leading to a lasting political settlement acceptable to both sides would require concessions from both sides;

Urged the parties to participate in a more active, regular and structured manner in the task forces established at the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters);

Urged the parties to abide by the provisions of the protocols on security issues in the Gali sector signed on 8 October 2003 and 19 January 2004, to continue their regular meetings and to cooperate more closely with each other to improve security in the sector;

Decided to extend the mandate of UNOMIG for a new period terminating on 31 January 2005, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force;

Requested the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of the resolution on the situation in Abkhazia, Georgia.

**Decision of 28 January 2005 (5116th meeting):
resolution 1582 (2005)**

At its 5116th meeting, on 28 January 2005, in which the representative of Georgia was invited to participate, the Council included in its agenda the report of the Secretary-General dated 17 January 2005 concerning the situation in Abkhazia, Georgia.¹² In his report, the Secretary-General observed, *inter alia*, that particularly the second half of 2004 had not been easy for the Georgian-Abkhaz peace process. While the parties had come together during the course of the year on some substantive issues, efforts to advance a dialogue had encountered serious challenges. Renewed tensions in the zone of conflict had led to a chain of events that had brought all contacts between the sides to a halt by mid-year, so that the Mission’s main efforts had focused on finding ways to re-establish the dialogue and avoid regression. The political uncertainty in Sukhumi had also seriously limited the possibility of continued dialogue. However, the Secretary-General noted that the high-level meeting of the Group of Friends, held on 13 and 14 December 2004 in Geneva, had been a timely opportunity to reflect on the overall

¹² S/2005/32.

state of the peace process and to discuss how best to address the challenges to the pursuit of a lasting and comprehensive solution to the conflict. The support of the Group of Friends had remained invaluable for the efforts of the Secretary-General and his Special Representative. Convinced that UNOMIG had continued to play a key role in preventing instability on the ground and in promoting a political settlement of the conflict, the Secretary-General, in his report, recommended that the mandate of UNOMIG be extended for a further six months.

The President (Argentina) drew the attention of the Council to a letter dated 26 January 2005 from the representative of Georgia,¹³ and to a draft resolution;¹⁴ it was put to the vote and adopted unanimously and without debate as resolution 1582 (2005), by which the Council, *inter alia*:

Commended and strongly supported the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

Urged the parties once again to implement the recommendations of the joint assessment mission of November 2000 to the Gali sector, regretted that there had been no progress to that effect despite the positive consideration by the parties given to those recommendations at the first Geneva meeting, and called again upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

Decided to extend the mandate of UNOMIG for a new period terminating on 31 July 2005, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force.

**Decision of 29 July 2005 (5242nd meeting):
resolution 1615 (2005)**

At its 5242nd meeting, on 29 July 2005,¹⁵ in which the representative of Georgia was invited to participate, the Council included in its agenda the report of the Secretary-General dated 13 July 2005 concerning the situation in Abkhazia, Georgia.¹⁶ In his report, the Secretary-General observed, *inter alia*, that resumed participation of the Georgian and Abkhaz sides in the United Nations-chaired Geneva meetings of the Group of Friends¹⁷ and in meetings addressing various practical aspects of the peace process after a prolonged suspension of direct contacts had been an encouraging development. He appealed to both sides to seize the new opportunities for dialogue, given the improving regional environment, to achieve concrete progress in priority areas and related confidence-building measures so that, as a starting point, negotiations on a comprehensive political settlement of the conflict could take place using the document entitled “Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi” and its transmittal letter.

The Secretary-General urged the Georgian side to be forthcoming in meeting Abkhaz security concerns and the Abkhaz side to effectively address practical and security concerns of the local population and returnees and honour previous commitments of accepting the deployment of UNOMIG police officers in the Gali district. He also urged the Abkhaz side to allow the opening of a human rights sub-office in Gali and the teaching of the local youth in their native Georgian language. As UNOMIG had continued to play an important role in preventing a destabilization of the situation on the ground in pursuing both practical activities and a lasting solution to the conflict, the Secretary-General recommended that the mandate of UNOMIG be extended for a further period of six months.

¹³ S/2005/45, concerning recent presidential elections in Abkhazia, Georgia, and stating that they needed to be considered illegal; concerning also the role of the Russian Federation in alleged assistance to the Abkhaz separatists; and expressing the readiness of Georgia to negotiate a solution to the conflict with Abkhazia.

¹⁴ S/2005/48.

¹⁵ At its 5144th, 5174th, 5238th and 5358th meetings held in private on 21 March, 4 May and 27 July 2005 and 26 January 2006, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the Special Representative and Head of UNOMIG, and heard statements by the representative of Georgia, the Special Envoy of the President of Georgia and the representative of the Russian Federation.

¹⁶ S/2005/453.

¹⁷ See S/2005/269, paras. 10-12.

The President (Greece) drew the attention of the Council to a draft resolution submitted by France, Germany, Romania, the Russian Federation, the United Kingdom and the United States;¹⁸ it was put to the vote and adopted unanimously and without debate as resolution 1615 (2005), by which the Council, inter alia:

Commended and strongly supported the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

Deeply regretted the continuing refusal of the Abkhaz side to agree to a discussion on the substance of the document entitled "Basic Principles for the Distribution of Competencies between Tblisi and Sukhumi", again strongly urged the Abkhaz side to receive the document and its letter of transmittal, urged both parties thereafter to give them full and open consideration and to engage in constructive negotiations on their substance, and urged those having influence with the parties to promote that outcome;

Decided to extend the mandate of UNOMIG for a new period terminating on 31 January 2006, subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force.

**Decision of 31 January 2006 (5363rd meeting):
resolution 1656 (2006)**

At its 5363rd meeting, on 31 January 2006, in which the representatives of Georgia and Germany were invited to participate, the Council included in its agenda the report of the Secretary-General dated 13 January 2006 concerning the situation in Abkhazia, Georgia.¹⁹ In his report, the Secretary-General observed, inter alia, that the United Nations had remained committed to assisting the Georgian and Abkhaz sides in the search for a peaceful and comprehensive settlement. In an encouraging development, both sides had engaged constructively with the mediation of the Special Representative in exchanges on joint draft documents on the non-resumption of hostilities, as well as the safe and dignified return of refugees and internally displaced persons. He called upon both sides to refrain from actions or statements that could damage emerging opportunities in the peace process. The Georgian side

¹⁸ S/2005/492.

¹⁹ S/2006/19.

was urged to take into due account the Abkhaz security concerns, and the Abkhaz side effectively to meet the security and human rights concerns of the local population and returnees to the Gali district. The Secretary-General noted that the reluctance of the Abkhaz side to implement the recommendations of the 2000 joint assessment mission²⁰ and the 2002 security assessment mission²¹ had not been conducive to progress. Stressing that the free movement of UNOMIG personnel had been of continuing concern, both sides were reminded of their obligation to ensure the safety of UNOMIG personnel at all times. Stating that UNOMIG had continued to play a key role in maintaining stability in the conflict zone and facilitating progress towards a sustainable political solution of the conflict, the Secretary-General recommended that the UNOMIG mandate be extended for a further six-month period.

The President (United Republic of Tanzania) drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, Slovakia, the United Kingdom and the United States;²² it was put to the vote and adopted unanimously and without debate as resolution 1656 (2006), by which the Council, inter alia: decided to extend the mandate of UNOMIG until 31 March 2006; and decided to remain actively seized of the matter.

**Decision of 31 March 2006 (5405th meeting):
resolution 1666 (2006)**

At its 5405th meeting, on 31 March 2006, in which the representatives of Georgia and Germany were invited to participate, the Council included in its agenda the report of the Secretary-General dated 17 March 2006 concerning the situation in Abkhazia, Georgia.²³ In his report, the Secretary-General observed, inter alia, that on 2 and 3 February 2006, senior representatives of the Group of Friends had met in Geneva, under the chairmanship of the Under-Secretary-General for Peacekeeping Operations. The Group of Friends had underlined the need for a peaceful settlement of the conflict in the framework of the relevant Council resolutions, and had reaffirmed their commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders. They had agreed on the need to address the core

²⁰ S/2001/59, annex II.

²¹ S/2003/412, para. 16.

²² S/2006/58.

²³ S/2006/173.

political issues of the conflict, in addition to continuing work on confidence-building measures. The Secretary-General stated that was essential that the Georgian and Abkhaz sides actively follow up on the understandings reached at the Geneva meeting of the Group of Friends. In particular, early finalization of the documents on the non-use of force and on the return of internally displaced persons and refugees would be a strong indication of their commitment to make tangible progress in the peace process. As UNOMIG had continued to play a key role in maintaining stability in the conflict zone and in facilitating progress towards a sustainable political solution of the conflict, the Secretary-General recommended that the UNOMIG mandate be extended for a further six-month period.

The President (Argentina) drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, Slovakia, the United Kingdom and the United States;²⁴ it was put to the vote and adopted unanimously and without debate as resolution 1666 (2006), by which the Council, *inter alia*:

Urged both parties to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons for the Gali district and to take necessary steps to secure the protection and dignity of the civilian population, including the returnees;

Called upon both parties to follow up on their expressed readiness for a meeting of their highest authorities without preconditions; urged the Georgian side to address seriously legitimate Abkhaz security concerns;

Decided to extend the mandate of UNOMIG for a new period terminating on 15 October 2006;

Strongly supported the efforts of the Special Representative of the Secretary-General, and called upon the Group of Friends of the Secretary-General to continue giving her their steadfast and unified support.

**Decision of 13 October 2006 (5549th meeting):
resolution 1716 (2006)**

At its 5549th meeting, on 13 October 2006,²⁵ in which the representatives of Georgia and Germany were invited to attend to participate, the Council included in its agenda the report of the Secretary-General dated 28 September 2006 concerning the

²⁴ S/2006/201.

²⁵ At the 5483rd meeting, held in private on 11 July 2006, the Speaker of the Parliament of Georgia and the representative of the Russian Federation made statements.

situation in Abkhazia, Georgia.²⁶ In his report, the Secretary-General observed, *inter alia*, that after expectations of a new momentum in the negotiation process had been raised by the resumption of the Coordinating Council on 15 May 2006²⁷ and exchanges of proposals between the Georgian and Abkhaz sides, a new and tense situation had emerged, in particular as a result of the Georgian special operation in the upper Kodori Valley on 25 July 2006. That operation, under the direction of the Ministers of Internal Affairs and Defence of Georgia, had the stated objective of restoring law and order in the area. Following this event, the Abkhaz side had called into question the usefulness of attempting to reach further agreements in the framework of the settlement process, and the *de facto* Abkhaz authorities had insisted on the resolution of the situation in the upper Kodori Valley as a precondition for the resumption of dialogue. Based on the experience of, *inter alia*, the event in the Kodori Valley, the Secretary-General identified several issues of special relevance: the commitment by both sides to provide advance notification and full transparency in the movement of those pieces of military equipment and armed personnel that were permitted under the Moscow Agreement; maintaining open channels of communication and dialogue; and agreement on the modalities for the monitoring of the Kodori Valley. The Secretary-General noted that as the developments during the reporting period had highlighted once again that the presence of UNOMIG remained essential for maintaining stability in the zone of conflict, promoting practical cooperation among the sides and facilitating progress towards a negotiated peaceful settlement of the conflict, he recommended the extension of the UNOMIG mandate for a further period of six months.

The President (Japan) drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, Slovakia and the United Kingdom;²⁸ it was put to the vote and adopted unanimously and without debate as resolution 1716 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of UNOMIG for a new period terminating on 15 April 2007;

Requested the Secretary-General to include detailed information on developments in the Kodori Valley and on the progress on efforts for the return of refugees and internally

²⁶ S/2006/771.

²⁷ S/2006/435, para. 5.

²⁸ S/2006/804.

displaced persons, particularly to the Gali district, in his next report on the situation in Abkhazia, Georgia;

Strongly supported the efforts of the Special Representative of the Secretary-General, and called upon the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support.

**Decision of 13 April 2007 (5661st meeting):
resolution 1752 (2007)**

At its 5661st meeting, on 13 April 2007,²⁹ in which the representatives of Georgia and Germany were invited to participate, the Council included in its agenda the report of the Secretary-General dated 3 April 2007 concerning the situation in Abkhazia, Georgia.³⁰ In his report, the Secretary-General observed, *inter alia*, that he welcomed the progress made by the two sides towards the implementation of resolution 1716 (2006). In particular, he welcomed the continuation of joint patrolling of the Kodori Valley by UNOMIG and the Commonwealth of Independent States peacekeeping force. He noted with satisfaction that no heavy weapons had been observed in the valley and that, compared with the situation observed by the joint patrol in October 2006, the number of armed personnel had decreased. The expansion of UNOMIG assistance to the Gali district in terms of both activities of the United Nations police advisers and the full-time presence there of the Human Rights Office in Abkhazia, Georgia, was also welcomed. However, the events of 11 March 2007 in the upper Kodori Valley³¹ had been a major setback which demonstrated the continued volatile situation. Expressing the belief that the presence of UNOMIG had continued to contribute to security in the conflict zone and international efforts to promote political dialogue between the parties, the Secretary-General recommended that the mandate of UNOMIG be extended for a further six-month period.

The President (United Kingdom) drew the attention of the Council to a draft resolution submitted by France, Germany, the Russian Federation, the United Kingdom and the United States;³² it was put to

the vote and adopted unanimously and without debate as resolution 1752 (2007), by which the Council, *inter alia*:

Condemned the attack on villages in the upper Kodori Valley on 11-12 March 2007, and urged all sides to extend full support to the ongoing investigation;

Decided to extend the mandate of UNOMIG for a new period terminating on 15 October 2007;

Requested the Secretary-General to make use of the extended mandate to support the parties in implementing measures to build confidence and to establish and intensive dialogue, and to inform the Council of progress made in his next report on the situation in Abkhazia, Georgia;

Strongly supported the efforts of the Special Representative of the Secretary-General, and called upon the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support.

**Decision of 15 October 2007 (5759th meeting)
resolution 1781 (2007)**

At its 5759th meeting, on 15 October 2007,³³ in which the representative of Germany was invited to participate, the Council included in its agenda the report of the Secretary-General dated 3 October 2007 concerning the situation in Abkhazia, Georgia.³⁴ In his report, the Secretary-General observed, *inter alia*, that while the relative calm observed in the zone of conflict during the previous reporting period had been in favourable contrast with previous periods, the deadly clash that had occurred on 20 September 2007 had been the most serious incident involving the Georgian and Abkhaz sides in many years. In the incident, which occurred outside the zone of conflict, seven Abkhaz personnel had been apprehended by the Georgian side, one had been wounded and two former Russian officers reportedly on contract with the Abkhaz forces had been killed. While the Abkhaz *de facto* authorities had claimed it had been a raid by Georgian Ministry of Internal Affairs personnel on the Abkhaz training camp co-located with a *de facto* border guard post at Bokhundjara, within Abkhaz-controlled territory, the Georgian side claimed that a group of Abkhaz “saboteurs” had entered Georgian-controlled territory to disrupt work on the road to the upper Kodori Valley, which was under construction, in an attempt to isolate

²⁹ At its 5623rd and 5658th meetings, held in private on 24 January and 10 April 2007, the Council was briefed by the Special Representative and Head of UNOMIG and the Prime Minister of Georgia, respectively.

³⁰ S/2007/182.

³¹ See S/2007/182, para. 27.

³² S/2007/200.

³³ At its 5724th meeting, held in private on 26 July 2007, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, heard a statement by the representative of Georgia and had an exchange of views.

³⁴ S/2007/588.

the valley from the rest of Georgia. In the wake of this incident UNOMIG had, with the consent of both sides, initiated its own independent fact-finding efforts to clarify the circumstances of the incident.

The overall approach to the settlement of the conflict, remained that a successful dialogue on security, the return of internally displaced persons, refugees and economic rehabilitation and humanitarian issues would help to bring about a comprehensive political settlement, but the situation with regard to actual contact between the two sides remained disappointing and overshadowed by developments that had generated distrust. Observing that the presence of UNOMIG had continued to contribute to security in the conflict zone, and the international community had continued to promote a peaceful settlement of the conflict, the Secretary-General recommended the extension of the UNOMIG mandate for a further six-month period.

The President (Ghana) drew the attention of the Council to a draft resolution submitted by France,

Germany, the Russian Federation, Slovakia, the United Kingdom and the United States;³⁵ it was put to the vote and adopted unanimously and without debate as resolution 1781 (2007), by which the Council, inter alia:

Urged the continued active engagement of both sides within the Joint Fact-finding Group and expressed its support for the report of the Joint Fact-finding Group on the rocket firing incident in the upper Kodori Valley on 11 March 2007;

Decided to extend the mandate of UNOMIG for a new period terminating on 15 April 2008;

Requested the Secretary-General to make use of the extended mandate to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, and to inform the Council of progress made in his next report on the situation in Abkhazia, Georgia;

Strongly supported the efforts of the Special Representative of the Secretary-General, and called upon the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support.

³⁵ S/2007/603.

32. Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe¹

¹ As from the 4964th meeting, on 7 May 2004, the wording of the item “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” was revised to read “Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe”.

Deliberations of 7 May 2004 to 28 September 2007 (4964th, 5134th, 5346th and 5751st meetings)

At its 4964th, 5134th, 5346th and 5751st meetings,² at which statements were made by the representatives of Argentina, Belgium, Denmark, France, Germany, Ghana, Greece, Pakistan, the Russian Federation, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States, the Security Council was briefed by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE). In those annual briefings to the Council, the Chairman-in-Office of OSCE underlined the importance of OSCE as the primary instrument for early warning, conflict prevention, crisis management and post-conflict

rehabilitation, and outlined the priorities of the Organization within the politico-military, the economic and environmental and the human dimensions. Those priorities included counter-terrorism; control of the spread of small arms and light weapons; policing; border management and security; economic and environmental threats; election monitoring; democratization assistance; monitoring of the freedom of the media; promotion of tolerance and education; combating international crime; promotion of the rule of law; and conflict prevention with a special focus on Kosovo³ and unresolved conflicts such as those in

³ In this Supplement, the term “Kosovo” is used as the short form for “Kosovo, State Union of Serbia and Montenegro” and “Kosovo, Republic of Serbia”, without prejudice to issues of status.

² Held on 7 May 2004, 4 March 2005, 16 January 2006 and 28 September 2007.

Transnistria, Moldova; South Ossetia and Abkhazia, Georgia; and Nagorny-Karabakh.⁴

The Chairman-in-Office urged the members of the Security Council, in particular those who were mediators in those conflicts or who had influence over the parties, to support the efforts of OSCE. Noting the difficulty for inter-State organizations to deal with non-State actors, even if in some cases they were the de facto authorities, he urged the Council to exert pressure in the context of OSCE mediation efforts to help resolve the above-mentioned long-standing conflicts.⁵

The Chairman-in-Office noted that OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, had been focusing on close and expanding cooperation with the United Nations, the

European Union, the North Atlantic Treaty Organization and other regional organizations with the aim of improving their ability to respond quickly and effectively in addressing major contemporary challenges.⁶ In that context, the Chairman-in-Office assured the Council of the full support of OSCE for the principles and recommendations contained in resolution 1631 (2005), which were aimed at strengthening cooperation and consultation between the United Nations and regional organizations, while recognizing the primary responsibility of the Security Council for international peace and security.⁷

Most speakers expressed appreciation of the cooperation between OSCE and the United Nations and generally endorsed the priorities outlined by the Chairman-in-Office during the period under review.

⁴ S/PV.4964, pp. 2-6; S/PV.5134, pp. 2-5; S/PV.5346, pp. 2-4; and S/PV.5751, pp. 2-4.

⁵ S/PV.5134, p. 3.

⁶ S/PV.4964, p. 2; and S/PV.5134, pp. 2-3.

⁷ S/PV.5346, p. 4.

Middle East

33. The situation in the Middle East

A. United Nations Disengagement Observer Force

Decisions of 29 June 2004 to 14 December 2007: resolutions 1550 (2004), 1578 (2004), 1605 (2005), 1648 (2005), 1685 (2006), 1729 (2006), 1759 (2007) and 1788 (2007) and statements by the President

At each of its 4998th, 5101st, 5205th, 5339th, 5456th, 5596th, 5698th and 5802nd meetings,¹ the Security Council adopted unanimously and without a

debate a resolution extending the mandate of the United Nations Disengagement Observation Force (UNDOF) for periods of six months on the basis of the reports of the Secretary-General.² In his reports, the Secretary-General observed that the situation in the Israeli-Syrian sector had remained generally quiet. He noted that, from 12 July to 14 August 2006, rockets originating from the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) had hit close to UNDOF positions in the Shab'a area.³ In general, UNDOF continued to perform its role as supervisor of the ceasefire between the Syrian and Israeli forces. Despite the calm, he noted that the situation in the Middle East was tense and was likely to remain so unless a comprehensive settlement could be reached.

In the resolutions adopted during this period, the Council called upon all parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973; renewed the mandate of UNDOF for successive

¹ Held on 29 June and 15 December 2004, 17 June and 21 December 2005, 13 June and 15 December 2006 and 20 June and 14 December 2007, respectively. During this period, in addition to those meetings, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Disengagement Observer Force, pursuant to annex II, sections A and B of resolution 1353 (2001). The meetings were held on 24 June 2004 (4996th), 10 December 2004 (5098th), 15 June 2005 (5200th), 16 December 2005 (5330th), 6 June 2006 (5452nd), 13 December 2006 (5587th), 12 June 2007 (5692nd) and 11 December 2007 (5797th).

² S/2004/499, S/2004/948, S/2005/379, S/2005/767, S/2006/333, S/2006/938, S/2007/331 and S/2007/698.

³ See S/2006/938.

six-month periods, the last mandate ending on 30 June 2008; and requested that the Secretary-General submit a report on developments in the situation and the measures taken to implement the resolutions.⁴

Complementary statements by the President were also released, in which it was stated that, despite the current quiet in the Israeli-Syrian sector, the situation in the Middle East continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached.⁵

B. United Nations Interim Force in Lebanon and developments in the Israel-Lebanon sector

Decisions of 30 January 2004 and 29 July 2004: resolutions 1525 (2004) and 1553 (2004)

At its 4907th and 5012th meetings,⁶ the Security Council adopted unanimously and without debate resolutions 1525 (2004) and 1553 (2004), respectively, extending the mandate of the United Nations Interim Force in Lebanon (UNIFIL) on the basis of the reports of the Secretary-General⁷ and the requests of Lebanon.⁸ In his reports, the Secretary-General observed that the situation in the UNIFIL area of operations during the period had been characterized by numerous armed encounters across the Blue Line, the majority of which were between Hizbullah and the Israel Defense Forces and some of which involved unknown or Palestinian actors. He noted that tensions were frequently high, and the situation was fragile. He

⁴ Resolutions 1550 (2004), 1578 (2004), 1605 (2005), 1648 (2005), 1685 (2006), 1729 (2006), 1759 (2007) and 1788 (2007).

⁵ S/PRST/2004/23, S/PRST/2004/47, S/PRST/2005/24, S/PRST/2005/65, S/PRST/2006/26, S/PRST/2006/54, S/PRST/2007/20 and S/PRST/2007/48.

⁶ Held on 30 January 2004 and 29 July 2004, respectively. During this period, in addition to those meetings, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Interim Force in Lebanon, pursuant to annex II, sections A and B of resolution 1353 (2001). The meetings were held on 23 January 2004 (4901st), 23 July 2004 (5008th), 24 January 2005 (5115th), 25 July 2005 (5233rd), 25 January 2006 (5355th), 25 July 2006 (5495th) and 16 August 2007 (5731st).

⁷ S/2004/50 and S/204/572 and Add.1.

⁸ S/2004/35 and S/2004/560.

also stated that the cycle of air violations by Israel, the firing of anti-aircraft rounds by Hizbullah, and air strikes by Israel against Hizbullah positions had added a serious new dimension to the conflict. The Secretary-General noted that the situation along the Blue Line was susceptible to volatile regional developments and underlined the need to achieve a comprehensive, just and lasting peace in the Middle East.

At those meetings, the President⁹ drew the attention of the Council to documents submitted by Lebanon¹⁰ and Israel,¹¹ reporting violations of the Blue Line.

By resolutions 1525 (2004) and 1553 (2007), the Council renewed the mandate of UNIFIL for two six-month periods, the second mandate expiring on 31 January 2005; and stressed the importance of the continuing efforts by the Government of Lebanon to ensure the return of its effective authority throughout the south, including the deployment of Lebanese armed forces. The Council also reiterated its call on the parties to continue to fulfil the commitments they had given to fully respect the withdrawal line identified by the United Nations, and to exercise utmost restraint and cooperate fully with the United Nations and UNIFIL. The Council requested that the Secretary-General continue his consultations with the Government of Lebanon and other parties directly concerned on the implementation of those resolutions.

Decision of 28 January 2005 (5117th meeting): resolution 1583 (2005)

At its 5117th meeting, on 28 January 2005, the Council included in its agenda the report of the Secretary-General on UNIFIL dated 20 January 2005.¹² In his report, the Secretary-General observed that the UNIFIL area of operations had been relatively quiet but that serious incidents had occurred in the last weeks of the reporting period. On 9 January, a roadside bomb had hit an Israel Defense Force convoy, resulting in the death of one soldier and wounding three others. In the same incident, one United Nations observer and a French national had been killed and a Swedish national was injured. Retaliatory fire had ensued,

⁹ Chile and Romania, respectively.

¹⁰ S/2004/6, S/2004/15, S/2004/54, S/2004/55, S/2004/574, S/2004/575 and S/2004/577.

¹¹ S/2004/61 and S/2004/465.

¹² S/2005/36.

claiming the life of one Hizbullah fighter and injuring another. The Secretary-General also noted that the Blue Line had enjoyed prolonged periods of relative quiet often followed by several episodes of hostilities. He stated that the resumption of military measures, for which Hizbullah took credit, and the disregard shown for the safety of the unarmed United Nations military observers, was troubling.

The President (Argentina) drew the attention of the Council to letters addressed to the Secretary-General by the Governments of Lebanon¹³ and Israel,¹⁴ reporting violations of the Blue Line. In another letter brought to the attention of the Council, the representative of Lebanon requested that the Council extend the mandate of UNIFIL for a further period of six months.¹⁵

The President then drew the attention of the Council to a draft resolution;¹⁶ it was put to the vote and adopted unanimously as resolution 1583 (2005), by which, the Council, *inter alia*:

Decided to extend the mandate of UNIFIL until 31 July 2005;

Called upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the area;

Called on the parties to ensure UNIFIL was accorded full freedom of movement throughout its area of operation;

Condemned all acts of violence, including the recent incidents across the Blue Line that had resulted in the killing and wounding of United Nations military observers;

Supported the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties;

Welcomed the continued contribution of UNIFIL to operational mine clearance, encouraged further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/unexploded ordnance threat in the south.

After the vote, statements were made by the representatives of Algeria, Argentina, Brazil, China,

France, Greece, Japan, Lebanon, the Russian Federation and the United States.

Most representatives condemned the violations of the Blue Line, whether by land or by air, and stressed that it was the responsibility of the parties to take the necessary measures to ensure respect for the Blue Line in its entirety and to prevent all violations. Several representatives maintained that Lebanon needed to re-establish its authority in the south, in particular by deploying its armed forces and disarming the militias. Many representatives stated that UNIFIL had contributed to the stability and security in the region, and that the persistence of violent incidents and violations along the length of the Blue Line underlined the importance of the presence on the ground of UNIFIL.

The representative of the United States further stated that the continually asserted position of the Government of Lebanon — that the Blue Line was not valid in the Shab'a farms area — was not compatible with Security Council resolutions and, in any case, was not an excuse for allowing Hizbullah to engage in violence along and across the Blue Line. She also noted that the failure of the Government of Lebanon to deploy its armed forces in sufficient numbers to ensure a calm environment throughout the area posed a grave threat to peace and security there.¹⁷

The representative of China stated that, even though the text was still not entirely satisfactory, the Chinese delegation, bearing in mind the overall situation, had voted in favour of the draft resolution.¹⁸

The representative of the Russian Federation noted that, throughout the history of United Nations peacekeeping forces, mandates had always been voted on unanimously, and he had not wanted to break that tradition. He stated that the resolution was not satisfactory to the Russian Federation as it was too politicized. It was geared not so much to enhancing the nature of the United Nations operation in southern Lebanon, but rather to bringing pressure to bear on Beirut and obliging it to endeavour to resolve questions that, for objective reasons and because of the overall situation in the Middle East, it simply could not resolve. He noted that the Russian Federation had introduced a number of amendments to try to make it

¹³ S/2005/23, S/2005/24, S/2005/25 and S/2005/26.

¹⁴ S/2005/14 and S/2005/40.

¹⁵ S/2005/13.

¹⁶ S/2005/53.

¹⁷ S/PV.5117, pp. 2-3.

¹⁸ *Ibid.*, p. 4.

more balanced when it was under consideration at the expert level, but those suggestions had not been accepted.¹⁹

The representative of Lebanon believed that it would have been desirable to draft a technical resolution to extend the mandate of UNIFIL without selectively highlighting passages from the report of the Secretary-General and without introducing any political elements into the resolution.²⁰

**Decisions of 29 July 2005 and 31 January 2006:
resolutions 1614 (2005) and 1655 (2006)**

At its 5241st and 5362nd meetings,²¹ the Council adopted, unanimously and without debate, a resolution extending the mandate of UNIFIL on the basis of the reports of the Secretary-General²² and the request of the Government of Lebanon.²³ In his reports, the Secretary-General observed that a series of exchanges had occurred between the Israel Defense Forces and Hizbullah. In an incident on 29 June 2005, one Israeli soldier was killed and four were wounded, and two Hizbullah fighters were killed. Israeli aircraft continued to violate Lebanese airspace, and a number of Lebanese ground violations were recorded by UNIFIL. He also noted that, on 6 and 9 June 2005, the army of Lebanon had vacated two of its three checkpoints in the UNIFIL area of operations, which the Government of Lebanon had stated was part of an overall redeployment of the army throughout the country. In another incident on 21 November 2005, four Hizbullah fighters were killed and one Israeli civilian had been injured. The retaliatory aerial bombing by the Israeli Air Force had lasted nine hours, during which time 800 artillery, tank and mortar rounds and rockets had been fired; 12 Israeli soldiers, one Israeli civilian, and an unidentified number of Hizbullah fighters had been injured.

At those meetings, the President²⁴ drew the attention of the Council to documents submitted by

Lebanon²⁵ and Israel,²⁶ which reported violations of the Blue Line.

By resolutions 1614 (2005) and 1655 (2006), the Council renewed the mandate of UNIFIL for successive six-month periods, the second mandate expiring on 31 July 2006. It condemned all acts of violence, including the incidents across the Blue Line that had resulted in deaths and injuries. The Council also supported the efforts of UNIFIL to maintain the ceasefire and requested that the Secretary-General continue to work with the Government of Lebanon to reinforce its authority in the south and to continue consultations with the parties concerned on the implementation of the resolutions.

**Decision of 27 July 2006 (5497th meeting):
statement by the President**

By identical letters dated 12 July 2006 addressed to the Secretary-General and the President of the Security Council, the representative of Israel informed the Council that “Hizbullah terrorists” had unleashed a barrage of heavy artillery and rockets into Israel, causing a number of deaths.²⁷ The terrorists had also infiltrated Israel and kidnapped two Israeli soldiers, taking them into Lebanon. The representative stated that responsibility for this “belligerent act of war” lay with the Government of Lebanon, from whose territory the acts had been launched into Israel. The Government of Israel considered them to be “a clear declaration of war” and a violation of the Blue Line and Security Council resolutions 425 (1978), 1559 (2004) and 1680 (2006), and all other relevant resolutions. Therefore, Israel reserved the right to act in accordance with Article 51 of the Charter of the United Nations and exercise its right of self-defence. Israel would take the appropriate actions to secure the release of the kidnapped soldiers and bring an end to the shelling.

By a letter dated 13 July 2006 addressed to the President of the Security Council, the representative of Lebanon requested an urgent meeting of the Security

¹⁹ Ibid., p. 5.

²⁰ Ibid., p. 6.

²¹ Held on 29 July 2005 and 31 January 2006, respectively.

²² S/2005/460, submitted pursuant to resolution 1583 (2005); and S/2006/26, submitted pursuant to resolution 1614 (2005).

²³ S/2005/444 and S/2006/15.

²⁴ Greece and the United Republic of Tanzania, respectively.

²⁵ S/2005/58, S/2005/105, S/2005/106, S/2005/168, S/2005/242, S/2005/304, S/2005/339, S/2005/369, S/2005/424, S/2005/435, S/2005/526, S/2005/568, S/2005/641, S/2005/715, S/2005/746, S/2005/747, S/2007/755, S/2005/836 and S/2006/5.

²⁶ S/2005/312, S/2005/352, S/2005/423, S/2005/546, S/2005/731 and S/2005/837.

²⁷ S/2006/515.

Council to consider the grave situation resulting from the latest acts of “aggression” by Israel in Lebanon.²⁸

At its 5489th meeting, held on 14 July 2006, in response to the request of Lebanon, the Council included the letter dated 13 July 2006 in its agenda. In addition to all members of the Council, statements were made by the Under-Secretary-General for Peacekeeping Operations, the Under-Secretary-General for Political Affairs, and the representatives of Israel and Lebanon.

The President (France) drew the attention of the Council to the above-mentioned letter from the representative of Israel and two letters from the representative of Lebanon to the Secretary-General.²⁹ By the first letter, dated 13 July 2006, the representative of Lebanon informed the Secretary-General that the Lebanese Council of Ministers had held an emergency meeting on 12 July 2006, at which the Government had maintained that it was not aware of the events that had occurred on the international Lebanese border; that it was not responsible for the events nor did it endorse them; and that it condemned the “Israeli aggression”. In the second letter, also dated 13 July 2006, the Government of Lebanon informed the Secretary-General of the latest “Israeli aggressions” against Lebanon.

The Under-Secretary-General for Peacekeeping Operations briefed the Council on the situation in the Middle East. He stated that the crisis between Israel and Lebanon was the most serious since the withdrawal of Israeli forces from southern Lebanon in 2000. The crisis had started on 12 July 2006 when Hizbullah launched several rocket attacks from Lebanese territory across the Blue Line towards the Israel Defense Forces, killing three soldiers, wounding two, and capturing two. An exchange of fire between the Israel Defense Forces and Hizbullah ensued, spanning the length of the Blue Line. On the afternoon of 12 July, the Government of Lebanon had requested that UNIFIL broker a ceasefire. The Government of Israel had responded that a ceasefire would be contingent upon the return of the captured soldiers. As a result of the assaults and the fact that the Israel Defense Forces had warned that any person moving close to the Blue Line would be shot at, including United Nations personnel,

the ability of UNIFIL to monitor the area of operations was limited.³⁰

The Under-Secretary-General for Political Affairs also briefed the Council, stating that parts of Lebanon were under blockade and heavy Israeli military action. He noted that the Secretary-General had condemned all actions which targeted civilians or which unduly endangered them owing to their disproportionate or indiscriminate character and called on all parties to adhere to their obligations under international law and international agreements and urged restraint to prevent the situation from spiralling even further out of control. He also informed the Council of the decision of the Secretary-General to send a mission to the Middle East to exercise good offices and help defuse the major crisis in the region.³¹

The representative of Lebanon stated that “widespread and barbaric aggression” by the Government of Israel was destroying the infrastructure of Lebanon and causing the deaths of innocent civilians. The forces of the Government of Israel had launched widespread military operations, deliberately bombing vital installations, destroying major bridges; fuel storage tanks at electrical power plants; the three runways at Beirut International Airport; and other civilian installations and residential buildings. He maintained that the Government of Israel held the Government of Lebanon responsible for the attack and the kidnapping of the two soldiers, even though the Government of Lebanon had issued a statement on 12 July 2006 declaring that it had not been aware of the incident and did not take responsibility or endorse it. He stated that the “Israeli aggression”³² hampered the efforts made by Lebanon towards fostering democracy and undermined the sovereignty of Lebanon as it endeavoured to exercise its authority over its territory. He welcomed the initiative of the Secretary-General to dispatch a delegation to reduce tensions, re-establish stability, and call for the protection of civilians and civilian infrastructure. He stressed that the disregard by Israel of the calls made by the Government of Lebanon expressing its complete willingness to negotiate through the United Nations and other parties to resolve the recent developments, the consequences of those developments and the reasons that led to them was “incontrovertible evidence of the intention of the

²⁸ S/2006/517.

²⁹ S/2006/518 and S/2006/522.

³⁰ S/PV.5489, pp. 2-3.

³¹ *Ibid.*, pp. 3-4.

³² *Ibid.*, pp. 4-5.

Israelis to escalate the situation”. Finally, he called upon the Security Council to take a decision calling for an immediate ceasefire, the lifting of the air and sea blockade imposed against Lebanon and an end to “Israeli aggression”.

The representative of Israel stressed that the withdrawal of Israel from southern Lebanon, in accordance with resolution 425 (1978), an act acknowledged in the statement by the President of the Council of 18 June 2000,³³ had occurred so that a security zone could be constructed to prevent further terrorist attacks upon Israeli towns and villages. However, the Government of Lebanon had chosen to let its southern region “be occupied by terrorism, rather than disarm it”, and to relinquish control over its country rather than exercise its full sovereignty. As a result, Hizbullah terrorists, operating with impunity in southern Lebanon, had unleashed a sudden and unprovoked attack into Israeli territory, leaving Israel no choice but to react. The actions were in direct response to “an act of war from Lebanon” and although Israel held the Government of Lebanon responsible for the attacks, it was concentrating its response carefully, mainly on Hizbullah strongholds. He stressed the importance of the international community understanding that, while Hizbullah executed terrorism, it was “merely the finger on the blood-stained, long-reaching arms of Syria and Iran”. Finally, he called upon the Security Council and the international community to help the Lebanese people achieve the goal of a free, prosperous and democratic Lebanon.³⁴

The representative of the Russian Federation stated that his delegation viewed the Israeli military action as a disproportionate and inappropriate use of force that threatened both the sovereignty and territorial integrity of Lebanon and peace and security throughout the region. He called for urgent steps to be taken to halt the military escalation and urged that Israel end its incursions into Lebanon, its destruction of civilian infrastructure on Lebanese territory, and its blockade. He also stressed that Hizbullah needed to refrain from actions against Israel, release the Israeli soldiers, halt its rocket attacks and respect the Blue Line. Also, he expected the Government of Lebanon to provide all possible assistance in resolving the issues. The Russian Federation supported the decision of the

Secretary-General to dispatch a special mission to the region and had taken active steps to achieve a ceasefire by sending its own special representative of the Minister for Foreign Affairs to the region.³⁵

The representative of the United States stated that the incursion of Hizbullah across the Blue Line on 12 July was a deliberate and premeditated provocation intended to undermine regional stability. These provocations highlighted the urgent need for full and immediate compliance by the Syrian Arab Republic and Hizbullah with relevant Security Council resolutions, including 1559 (2004), 1583 (2005), 1655 (2006) and 1680 (2006). He made it clear that the Syrian Arab Republic and the Islamic Republic of Iran needed to be held to account for supporting regional terrorism and their role in the current crisis, as the Syrian Arab Republic provided safe haven to the militant wing of Hamas and provided material support to Hizbullah, while the Islamic Republic of Iran provided sponsorship and financial and other support to Hizbullah. He underlined the importance of the presidential statement of 18 June 2000 and the conclusion of the Secretary-General that, as from 16 June 2000, Israel had withdrawn all its forces from Lebanon, in accordance with Security Council resolution 425 (1978), and had met the requirements defined in the report of the Secretary-General of 22 May 2000.³⁶ As a result, he maintained that all militias in Lebanon, including Hizbullah, needed to disarm and disband immediately, and the Government of Lebanon needed to extend and exercise its control over all its territory.³⁷

The representative of Qatar recognized that, while every State, including Lebanon, had the right to defend itself, the waging of a military campaign directly targeting civilians and hitting their infrastructure could in no way be consonant with that objective. He maintained that the “alleged right of Israel” to self-defence ended when the Security Council took the necessary measures to maintain international peace and security, and he called on the Council to take appropriate measures to end the “aggression”.³⁸

The representative of China denounced the “armed aggression” by Israel and demanded that Israel

³³ Ibid., pp. 4-5.

³⁴ S/PV.5489, pp. 5-7.

³⁵ Ibid., pp. 7-8.

³⁶ S/2000/460.

³⁷ S/PV.5489, p. 10.

³⁸ Ibid., pp. 10-11.

stop its current military actions, as well as lift the air, sea and land blockade against Lebanon. At the same time, China was against the practices of Hizbullah militias, and called on Hizbullah to release the abducted Israeli soldiers.³⁹

The representative of the United Kingdom urged all countries with influence over Hizbullah, particularly the Syrian Arab Republic and the Islamic Republic of Iran, to “play their part”. He maintained that Israel had the right to act in self-defence, but it needed to exercise restraint, ensuring that its actions were proportionate and measured, conformed to international law, and avoided civilian death and suffering. He concluded that the crisis underlined the need for the full and sustainable implementation of resolution 1559 (2004).⁴⁰

The representative of France stated that Hizbullah bore the responsibility for the outbreak of hostilities. He stated that the Government of Lebanon had dissociated itself from this provocation and should shoulder its responsibilities and abide by the commitments it had taken before the Council and in accordance with the Taif Agreement and Security Council resolutions. He noted that Israel had the right to defend its territory and its citizens when they were attacked but condemned the disproportionate nature of the response. He stressed that the Lebanese people must not be taken hostage and that the freedom of movement for the population, as well as for foreigners in Lebanon, had to be restored.⁴¹

Most representatives welcomed the decision of the Secretary-General to send a special envoy and called for an immediate cessation of hostilities. A number of representatives condemned the attack on Israel and the kidnapping of the two Israeli soldiers, but stressed that the Israeli response had been disproportionate and that Israel had to act in accordance with the provisions of international humanitarian law. Previous commitments, agreements and Council resolutions, in particular 1559 (2004), also needed to be respected and fully implemented.⁴²

³⁹ Ibid., p. 11.

⁴⁰ Ibid., p. 12.

⁴¹ Ibid., pp. 17-18.

⁴² Ibid., pp. 8-9 (Ghana); p. 9 (Argentina); pp. 11-12 (Japan); p. 13 (Democratic Republic of the Congo); pp. 13-14 (United Republic of Tanzania); pp. 14-15 (Peru); p. 15 (Denmark); pp. 15-16 (Slovakia); and pp. 16-17 (Greece).

At its 5492nd meeting, on 20 July 2006, the Council heard a briefing by the Secretary-General on the conflict between Israel and Lebanon. He noted that over 300 Lebanese had been killed and more than 600 wounded and much of the infrastructure in Beirut and around the country had been destroyed. Lebanon remained under a blockade by sea and air by the Israeli military. He called for an urgent and immediate ceasefire to prevent further loss of life; allow full humanitarian access to those in need; and give diplomacy a chance to work out a practical package of actions that would provide a lasting solution to the current crisis. As a result of the continued fighting, UNIFIL had no freedom of movement and needed a window of time in which to bring stocks of food, water and fuel from Israel even for its own personnel. He noted that Israel had confirmed that its operation in Lebanon had wider, more far-reaching goals than the return of its captured soldiers and that the aim was to end the threat posed by Hizbullah by attacking their infrastructure and physical strength. However, the Government of Lebanon, which Israel wanted to extend its control throughout the country, had itself become a hostage and was less able than ever to deploy its forces in the areas necessary to control Hizbullah. He recommended several elements that needed to form the basis of any lasting ceasefire, including the return of the captured Israeli soldiers, an expanded peacekeeping force to help to stabilize the situation, the full implementation of resolutions 1559 (2004) and 1680 (2006), and the establishment of a mechanism, composed of key regional and international actors, to monitor and guarantee the implementation of a ceasefire agreement. Also, as the conditions for peacekeeping did not exist at that time, he called for the Security Council to decide what to do about UNIFIL, whose mandate would expire 31 July. He believed that the continuation of UNIFIL in its existing configuration and mandate would not be tenable.

At the 5497th meeting, on 27 July 2006, the representatives of Austria, Canada and Finland were invited to participate in the discussion. The President (France) then made a statement on behalf of the Council,⁴³ in summary, by which the Council, inter alia:

Stated that it was deeply shocked and distressed by the firing by the Israel Defense Forces on a United Nations observer post in southern Lebanon on 25 July 2006, which caused the death of four United Nations military observers;

⁴³ S/PRST/2006/34.

Called upon the Government of Israel to conduct a comprehensive inquiry into that incident, taking into account any relevant material from United Nations authorities, and to make the results public as soon as possible;

Stressed that Israel and all concerned parties must comply fully with their obligations under international humanitarian law related to the protection of United Nations and its associated personnel, and underlined the importance of ensuring that United Nations personnel were not the object of attack.

**Decision of 30 July 2006 (5499th meeting):
statement by the President**

At the 5498th meeting, on 30 July 2006, statements were made by the representatives of Israel and Lebanon on the situation in the Middle East. The President (France) drew the attention of the Council to a letter dated 29 July 2006 from the Secretary-General to the President of the Council.⁴⁴ In his letter, the Secretary-General referred to the Israeli armed attacks on the Observer Group Lebanon of the United Nations Truce Supervision Organization, in which four United Nations military observers were killed on 25 July 2006. He expressed his concern about the safety and security of the United Nations personnel as well as Israeli and Lebanese civilians and reiterated his call for an immediate cessation of hostilities.

The Secretary-General addressed the Council, and stated that, during the night of 29 July 2006, the Israeli air force had bombed the village of Qana, which was no longer in the area of operations of UNIFIL. Therefore, no United Nations personnel had been present to help clear the rubble and give treatment to survivors. Preliminary reports indicated that 54 Lebanese were killed, 37 of them were children. He expressed his deep dismay that his earlier calls for the immediate cessation of hostilities were not heeded. While several hundred Lebanese citizens had been killed as well as over 50 Israelis, he stressed that both sides bore a heavy responsibility and that there was a strong *prima facie* evidence that both sides had committed breaches of international humanitarian law. He called on the Council to come together on the most urgent point: an immediate cessation of hostilities.⁴⁵

The representative of Lebanon stated that Israel had committed war massacres which, regrettably, were yet to be addressed by resolutions of the Security Council. He noted that the Prime Minister of Lebanon,

⁴⁴ S/2006/595.

⁴⁵ S/PV.5498, pp. 2-3.

on behalf of the Government of Lebanon, had set forth his understanding of the seven-point plan, beginning with an immediate and comprehensive ceasefire, as no solutions could be considered before it was achieved. His country was calling on the Council to bring an end to the firing immediately, and to undertake an effective and serious investigation of that “massacre” and of the other “massacres” that Israel had perpetrated over the previous three weeks.⁴⁶

The representative of Israel acknowledged that women and children might have been killed in the tragic event, but stressed that they were victims of Hizbullah. He stressed that Israel had never targeted innocent people, and that women and children were hurt because they were being used as human shields by Hizbullah. He remarked that, if Lebanon had deployed its forces in the south or if the Security Council had enforced resolution 1559 (2004), the war would not have happened. He stressed that Hizbullah needed to be totally disarmed; otherwise, even if there was a ceasefire, it would “raise its ugly head again”. He concluded that “terror and Hizbullah must end” because until they did there would be hostilities and fire and “more innocents [would] pay the price”.⁴⁷

In his second intervention, the representative of Lebanon stated that it had been clear from the beginning that Lebanon, not Hizbullah, was the target and denied the allegation that rockets had been fired from near the area that had been bombed.⁴⁸

At the 5499th meeting,⁴⁹ on 30 July 2006, the President (France) made a statement on behalf of the Council,⁵⁰ by which the Council, *inter alia*:

Expressed its extreme shock and distress at the shelling by the Israel Defense Forces of a residential building in Qana, in southern Lebanon, which had caused the killing of dozens of civilians, mostly children, and injured many others; and sent its deepest condolences to the families of the victims and to the Lebanese people;

Strongly deplored the loss of innocent lives and the killing of civilians in the conflict and requested the Secretary-General to report to it within one week on the circumstances of the tragic incident; deplored any action against United Nations

⁴⁶ *Ibid.*, pp. 3-5.

⁴⁷ *Ibid.*, pp. 5-6.

⁴⁸ *Ibid.*, pp. 6-7.

⁴⁹ The representatives of Israel and Lebanon were present at the meeting, pursuant to the decision taken at the 5498th meeting.

⁵⁰ S/PRST/2006/35.

personnel, and called for full respect for the safety and security of all United Nations personnel and premises;

Affirmed its determination to work without any further delay to adopt a resolution for a lasting settlement of the crisis, drawing on diplomatic efforts under way.

**Decision of 31 July 2006 (5501st meeting):
resolution 1697 (2006)**

At the 5501st meeting, on 31 July 2006, the Council included in its agenda the report of the Secretary-General dated 21 July 2006 on UNIFIL.⁵¹ In his report, the Secretary-General observed that the hostilities between Israel and Hizbullah had radically changed the context in which UNIFIL operated, making the environment not conducive to United Nations peacekeeping. Although the representative of Lebanon had requested that the mandate of UNIFIL be extended for a further period of six months,⁵² the Secretary-General recommended that the Council extend the mandate of UNIFIL for a further period of one month as the status quo ante did not appear feasible.

The President (France) drew the attention of the Council to letters from Israel⁵³ and Lebanon,⁵⁴ concerning acts of aggression. The President further drew the attention of the Council to a draft resolution submitted by France;⁵⁵ it was then put to the vote and adopted unanimously and without debate as resolution 1697 (2006), by which the Council, inter alia:

Urged all concerned parties to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel;

Called on them to allow UNIFIL to resupply its positions, conduct search and rescue operations on behalf of its personnel and take any other measures it deemed necessary to ensure the safety of its personnel;

Decided to extend the mandate of UNIFIL until 31 August 2006.

⁵¹ S/2006/560, submitted pursuant to resolution 1655 (2006).

⁵² S/2006/496.

⁵³ S/2006/515.

⁵⁴ S/2006/496, S/2006/518, S/2006/522, S/2006/531, S/2006/536, S/2006/537, S/2006/550, S/2006/565 and S/2006/575.

⁵⁵ S/2006/583.

**Decision of 11 August 2006 (5511th meeting):
resolution 1701 (2006)**

At its 5503rd meeting, on 31 July 2006, the Council included in its agenda a letter dated 31 July 2006 addressed to the President of the Council by the representative of Lebanon,⁵⁶ in which Lebanon requested an urgent meeting to discuss the latest Israeli massacre in Qana and the continuous escalation of the conflict. At the meeting, statements were made by the representatives of Israel and Lebanon.

The representative of Lebanon reiterated the call of the Government of Lebanon for an immediate and comprehensive ceasefire, as well as a process of international investigation with regard to Qana, where a massacre had also occurred in 1996. He stated that the justification given by the Government of Israel that Hizbullah fighters were in the midst of the civilian population was a violation of international law, citing article 50 of Protocol I, of 1977, to the Geneva Conventions of 12 August 1949. He also quoted from a text approved by the Lebanese Council of Ministers, which called for an immediate ceasefire, the release of prisoners by Lebanon and Israel, a withdrawal of the Israeli army behind the Blue Line, a commitment from the Security Council to place the Shab'a farms and the Kafr Shuba hills under United Nations jurisdiction; for Israel to surrender maps of all remaining landmines in southern Lebanon; and for the United Nations international force to be enhanced in numbers, equipment and scope of operations.⁵⁷

The representative of Israel agreed that there could not be a return to the status quo ante. He stated that Israel had no quarrel with Lebanon but with "the forces and the monstrosity" by which Lebanon had allowed itself to be taken hostage. He maintained that Lebanon had had several chances to exert its sovereignty, including one chance after Israel had left Lebanon completely, a fact that had been ratified by the Council. He reiterated that Israel only fought to protect itself against an act of war.⁵⁸

The representative of Lebanon made second and third interventions, mentioning the conference in Rome, which had issued a statement referring to Security Council resolution 425 (1978). Implicit in that reference was the fact that resolution 425 (1978) had

⁵⁶ S/2006/596.

⁵⁷ S/PV.5503, pp. 2-4.

⁵⁸ Ibid., p. 4.

not yet been fully implemented. He reiterated his statement that Lebanon needed the Shab'a farms area to be returned, the release of the Lebanese prisoners from Israeli prisons, and the maps of the landmines in southern Lebanon.⁵⁹

In his second intervention, the representative of Israel stated that Lebanon should have asked the Syrians for the Shab'a farms area, not Israel, because it was the Government of the Syrian Arab Republic which claimed that area.⁶⁰

At the 5508th meeting, on 8 August 2006, statements were made by the representatives of Israel, Lebanon and Qatar.⁶¹

The representative of Qatar stated that the draft resolution before the Council required that the Arab position as expressed in the seven-point plan adopted by the Council of Ministers of the League of Arab States on 7 August 2006 be carefully considered and taken into account. The Security Council should also take into account the sociopolitical structure of Lebanese society, as well as the interests, unity, stability and territorial integrity of Lebanon. Accordingly, he drew the attention of the Council to the repercussions of adopting a non-enforceable resolution, which would further complicate the situation on the ground and have grave ramifications for Lebanon, for other Arab countries and for all the countries of the region.⁶²

The representative of Lebanon maintained that the draft resolution fell short of meeting many of the requests of Lebanon and also would not achieve the results that the international community hoped for. He noted that the draft resolution did not call for "an immediate ceasefire", but "a cessation of hostilities", and stressed that Lebanon needed great clarity on many issues. Also, with reference to the language in the draft resolution calling for cessation by Israel of all offensive operations, he maintained that Israel had never conceded that its actions in Lebanon had been anything but defensive, and, in this respect, the draft resolution left Lebanon vulnerable to the "whims" of

Israel. Calling for an immediate Israeli withdrawal, he reaffirmed that the Government of Lebanon was ready to deploy 15,000 troops in the south as the Israeli troops withdrew behind the Blue Line. The issue of the Shab'a farms also needed to be addressed and the proposal did not sufficiently reflect readiness by the international community to address that issue.⁶³

The representative of Israel stated that the question was not whether the Council could adopt a resolution but whether the Council and the international community could adopt a course of action which would end the threat that Hizbullah and its sponsors posed to the peoples of Israel and Lebanon and to the region as a whole. He maintained that the Government of Israel would continue to do whatever was necessary to protect the lives of its citizens, and it had to be able to defend itself against an enemy that not only deliberately targeted civilians but also hid among them as well as in mosques and the United Nations compounds. He believed that a significant part of the military capacity and infrastructure of Hizbullah had been destroyed, allowing for the Government of Lebanon and the international community to begin anew and repair the omissions that had led to the crisis. To accomplish this, a robust and effective international force would be needed to ensure the dismantling and disarming of all terrorist groups and the implementation of resolution 1559 (2004) in all its parts. It also required enforceable and effective measures that would prevent the continued supply and rearmament of weapons and ammunition; and for the Government of Lebanon to meet the basic obligations placed by international law and by the Council on Lebanon to end the use of its territory as a base to threaten the territory of others. He stated that Israel was ready to cease hostilities and to withdraw its forces if these effective measures were taken.⁶⁴

In their second interventions, the representatives of Qatar and Lebanon reiterated that resolutions needed to be adopted that took into account the reality of Lebanon or the international community would be faced with a civil war there. They also stressed that, in wanting to destroy the infrastructure of Hizbullah, Israel had in fact destroyed the infrastructure of Lebanon. There were two principles regarding civilians that needed to be adhered to, namely, the principle of distinction and

⁵⁹ Ibid., p. 5 and pp. 5-6.

⁶⁰ Ibid., p. 5.

⁶¹ The Minister for Foreign Affairs of the United Arab Emirates and the Secretary-General of the League of Arab States were invited to participate in the meeting but did not make statements.

⁶² S/PV.5508, pp. 2-3.

⁶³ Ibid., pp. 3-4.

⁶⁴ Ibid., pp. 4-6.

the principle of proportionality, both of which Israel had systematically violated since 12 July 2006.⁶⁵

At the 5511th meeting, on 11 August 2006, the President (Ghana) drew the attention of the Council to a number of letters from the representative of Lebanon, transmitting lists of attacks by Israel and calling for a ceasefire.⁶⁶ He also drew attention to several other documents.⁶⁷ The Council then heard a briefing by the Secretary-General and statements from most members of the Council as well as the representatives of Israel and Lebanon.⁶⁸

The Secretary-General welcomed the draft resolution before the Council, which provided for a full and immediate cessation of hostilities. He believed that the draft resolution would make it possible to conclude a sustainable and lasting ceasefire agreement and begin the process of solving the political problems in the region. He expressed disappointment that the Council had not reached this point much earlier and that the inability of the Council to act sooner had badly shaken the faith of the world in the authority and integrity of the Council. He noted that since 12 July 2006, when Hizbullah launched an attack on Israel, more than 1,000 Lebanese had been killed and more than 3,600 wounded, and 41 Israeli civilians had been killed. The United Nations had also been a target of protest and violence, despite the Organization's humanitarian efforts, including those of UNIFIL, which had had to cope with a situation for which it was neither mandated nor equipped. The Secretary-General outlined the actions

that would be needed to make the draft resolution fully effective on the ground. First, humanitarian convoys and relief workers must be guaranteed safe passage and access to those in need; and, second, the international community needed to give the Government of Lebanon all possible support, so that it could make its sovereignty effective, pursuant to Council resolutions 425 (1978), 1559 (2004) and 1680 (2006). The Secretary-General emphasized that the Government of Lebanon needed to have a monopoly of the use of force on its own territory, which required a full and swift withdrawal of Israeli forces, and the strengthening of the mandate and the numbers of UNIFIL. He maintained that Lebanon deserved the full support of the United Nations in its efforts to "cast off the chains of external interference and domestic strife", and this required a national consensus among Lebanese and constructive cooperation by all relevant parties and actors at the regional level, including the Governments of the Syrian Arab Republic and the Islamic Republic of Iran.⁶⁹

The majority of the speakers expressed strong support for the draft resolution and called for an immediate and complete ceasefire, which focused on protecting civilians; assistance for Lebanon in expanding its sovereign authority; a new and improved UNIFIL mandate with a greater scope of operations, better equipment, and larger numbers; the cooperation of every State, particularly the Syrian Arab Republic and the Islamic Republic of Iran, in respecting the sovereignty of Lebanon. Most speakers stressed that there could be no foreign forces, no weapons, and no authority in Lebanon other than those of the Government of Lebanon. They also called for the implementation of resolution 1680 (2006), which addressed the delineation of the border of Lebanon, including the Shab'a farms. A number of representatives stressed that the lack of a comprehensive settlement in the Middle East was a prime cause of the crisis and that it was essential to engage in a comprehensive consideration of all aspects of the Middle East situation.

The representative of the United States maintained that, since the conflict had begun, her country had sought an immediate end to the fighting, but had also insisted that a durable ceasefire had required a decisive change from the status quo that had produced the war. She maintained that, in addition to respecting the call in the draft resolution for a full cessation of hostilities,

⁶⁵ Ibid., p. 7 (Qatar); and pp. 7-8 (Lebanon).

⁶⁶ S/2006/571, S/2006/578, S/2006/599, S/2006/621, S/2006/625, S/2006/630 and S/2006/639.

⁶⁷ A letter dated 29 July 2006 from the Secretary-General, referring to the attacks in which four United Nations military observers were killed (S/2006/595); a letter dated 7 August 2006 from the Secretary-General, submitting information on the circumstances of the incident in Qana, in which a number of civilians were killed (S/2006/626); and a note by the Secretary-General dated 28 July 2006, transmitting a copy of the briefing delivered to Council members by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in the Middle East (S/2006/593).

⁶⁸ The representative of the Congo did not make a statement. The Ministers for Foreign Affairs of Denmark, France, Greece and Qatar, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom and the Secretary of State of the United States represented their respective countries at this meeting.

⁶⁹ S/PV.5511, pp. 2-5.

all parties needed to take action to protect civilians. She urged the Governments of Lebanon and Israel to commit themselves to ending large-scale violence. Hizbullah faced a clear choice between war and peace, and the world needed to help ensure that that choice was the right one. She also noted, *inter alia*, that the international community would impose a binding embargo on all weapons heading into Lebanon without the consent of the Government and called on every State, especially the Islamic Republic of Iran and the Syrian Arab Republic, to respect the sovereignty of the Government of Lebanon and the will of the international community.⁷⁰

The representative of France stressed that the settlement needed to respect a twofold imperative. It needed to allow the sovereignty of Lebanon to be restored throughout its territory and it needed to guarantee the right of Israel to security.⁷¹

The representative of Qatar reiterated that the Security Council should have adopted a resolution providing for an immediate ceasefire from the very beginning of the hostilities. Moreover, the draft resolution lacked balance and failed to take into consideration the interests, unity and stability and territorial integrity of Lebanon. It did not clearly address the “horrors of destruction” caused by the “Israeli aggression” against innocent civilians and the Lebanese infrastructure; and it did not clearly spell out the legal and humanitarian responsibility of Israel for that destruction or address in a balanced manner the question of the Lebanese prisoners in Israel. He welcomed the fact that the draft resolution was limited to augmenting UNIFIL and that its mandate would continue to be subject to the provisions of Chapter VI of the Charter. He also noted that he had been assured that any references to international forces in the draft resolution meant UNIFIL.⁷²

The representative of the United Kingdom stressed that the Council had needed to adopt a resolution that looked beyond the short term and held out the prospect of a lasting solution, which meant agreeing upon a text that took sufficient account of the positions of both parties. While that had taken time and

effort, the United Kingdom believed that it had been the right thing to do.⁷³

The representative of China condemned the excessive use of force and attacks on civilians, civilian facilities and United Nations personnel. He noted that his delegation had strongly advocated early Council action to achieve an immediate and comprehensive ceasefire, halt the current conflict, maintain peace and stability in the Middle East, and relieve the humanitarian disaster. He also expressed hope that the parties would implement the resolution and reach consensus on a comprehensive, lasting and fair framework for the political settlement of the conflict and restore local peace and stability as soon as possible.⁷⁴

The representative of the Russian Federation maintained that it had taken an “unjustifiably long time” to draft the Council resolution. His country had done everything it could to accelerate the process, both in contact with the parties and around the negotiating table. That had guided his delegation when they had proposed a draft resolution the previous day, calling for a humanitarian ceasefire in Lebanon and for urgent diplomatic efforts to resolve the crisis. But as it had proved possible to produce an agreed text of a broader resolution on Lebanon, the Russian Federation had decided to support it. It reflected the key demand for an immediate cessation of hostilities and it took into account the legitimate demands of Lebanon and it included provisions to meet the security interests of Israel.⁷⁵

The representatives of Greece, Argentina, Japan and the United Republic of Tanzania, maintained that they had called for an immediate ceasefire at the outbreak of hostilities and regretted that their calls were not heeded sooner and a resolution was not adopted quicker.⁷⁶

The representative of Lebanon maintained that although Israel stated that the war was against Hizbullah, it was actually a strategy of terror inflicted on all Lebanese. He said that the direct cause of more than 1,100 deaths and the wanton destruction of the infrastructure and economy of Lebanon was the disproportionate and unjustifiable Israeli retaliation.

⁷⁰ *Ibid.*, pp. 5-7.

⁷¹ *Ibid.*, pp. 7-8.

⁷² *Ibid.*, pp. 8-9.

⁷³ *Ibid.*, pp. 10-12.

⁷⁴ *Ibid.*, p. 13.

⁷⁵ *Ibid.*, pp. 14-15.

⁷⁶ *Ibid.*, pp. 9-10 (Greece); p. 15 (Argentina); pp. 15-16 (Japan); and pp. 16-17 (United Republic of Tanzania).

Commenting that his country was not confident in the Israeli distinction between what was “defensive” and what was “offensive”, he stressed that the end to military operations needed to be unqualified and the lifting of the blockade immediate upon the cessation of hostilities. He maintained that the pattern of invasions of Lebanon by Israel demonstrated the continuing threat facing Lebanon and the need for a political solution rooted in international law. For such a solution to move forward, it needed to address the root causes of the war, including the continued Israeli occupation of the Shab’a farms, as well as the struggle of Lebanon to regain full sovereignty over all its territory. He stressed that the international community had a moral and political obligation under the terms of the Charter and the accepted norms of international law to defend the sovereignty and territorial integrity of Lebanon, as well as to protect the Lebanese people under the relevant provisions of international humanitarian law, including the Geneva Conventions and the Protocols, thereto, which Israel had repeatedly and wilfully violated.⁷⁷

The representative of Israel reiterated that the way to have avoided the crisis between Israel and Lebanon had been clear: implementation of the unconditional obligations set out in resolutions 1559 (2004) and 1680 (2006). That clear path forward had required the disarming and disbanding of Hizbullah and other militias, and the exercise by Lebanon of control and authority over all its territory. In the face of the failure to ensure that the obligations set out in those resolutions were implemented, Israel had no choice but to do what Lebanon had failed to do. As a result, Hizbullah’s lethal capabilities had been dealt a major blow — bases had been dismantled and “stockpiles of Iranian missiles” had been destroyed and southern Lebanon had been substantially cleared of “the infrastructure of terrorism”. He stressed that Israel had the right to continue its efforts to complete the task of rooting out the terrorists and removing the threat they presented to the Israeli and Lebanese people. However, Israel was ready to respond to the calls of the Council and to give another chance to the Government of Lebanon and the international community to create “a new reality on the ground”. He noted that the resolution would, *inter alia*, establish a binding arms embargo requiring all States to prevent the supply of arms and weapons to militias and terrorists in Lebanon; and set out arrangements to ensure that Lebanese armed

forces would deploy throughout Lebanese territory, including along the Blue Line. In conclusion, he stressed that Israel had “no greater wish than to live next to a peaceful and prosperous State of Lebanon, exercising its independence and sovereign responsibilities like any other State”.⁷⁸

The President drew the attention of the Council to a draft resolution submitted by Denmark, France, Ghana, Greece, Slovakia, the United Kingdom and the United States;⁷⁹ it was then put to the vote and adopted unanimously as resolution 1701 (2006), by which the Council, determining that the situation in Lebanon constituted a threat to international peace and security, *inter alia*:

Called for a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbullah of all attacks and the immediate cessation by Israel of all offensive military operations;

Upon full cessation of hostilities, called upon the Government of Lebanon and UNIFIL to deploy their forces together throughout the south and called upon the Government of Israel, as that deployment began, to withdraw all of its forces from southern Lebanon in parallel;

Called on the international community to take immediate steps to extend its financial and humanitarian assistance to the Lebanese people, including through facilitating the safe return of displaced persons and, under the authority of the Government of Lebanon;

Decided, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops;

Called upon the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel;

Decided to extend the mandate of UNIFIL until 31 August 2007.

**Decision of 12 December 2006 (5586th meeting):
statement by the President**

At its 5586th meeting on, 12 December 2006, in which Lebanon was invited to participate, the Security Council included in its agenda a letter addressed to the President of the Council from the Secretary-General.⁸⁰ In his letter the Secretary-General

⁷⁷ *Ibid.*, p. 18-20.

⁷⁸ *Ibid.*, pp. 20-22.

⁷⁹ S/2006/640.

⁸⁰ S/2006/933.

reported that the UNIFIL area of operations had stabilized and the cessation of hostilities had been maintained. Still, air violations by Israeli jets had occurred, with the Government of Israel maintaining that they were not violations as they were a necessary security measure. The Secretary-General noted that those overflights violated Lebanese sovereignty, in contradiction to resolution 1701 (2006). Israel also had yet to provide UNIFIL with the detailed firing data on its use of cluster munitions that would help operators on the ground to mitigate the threat to innocent civilians. As Israel continued to withdraw its forces, UNIFIL had finished the first phase, which involved a rapid response deployment, reinforcing UNIFIL troops on the ground for the purpose of stabilizing the security situation and facilitating the withdrawal of the Israel Defense Forces from Lebanon and the concomitant deployment of the Lebanese Armed Forces throughout the south. The second, augmentation phase was currently under way. The Secretary-General also informed the Council that he was making the unconditional release of the captured Israeli soldiers and the issue of the Lebanese prisoners his top priority and expected respect for the provisions of resolution 1710 (2006). A permanent solution of the border issue remained contingent upon the delineation of the border between Lebanon and the Syrian Arab Republic, in fulfilment of resolutions 1559 (2004), 1680 (2006) and 1701 (2006).

The President (Qatar) made a statement on behalf of the Council,⁸¹ by which the Council, *inter alia*:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon, called for full respect for the democratic institutions of the country, in conformity with the constitution, and condemned any effort to destabilize Lebanon;

Called for the full implementation of resolution 1701 (2006) and urged all concerned parties to cooperate fully with the Security Council and the Secretary-General to achieve this goal;

Reiterated its full support to UNIFIL and looked forward to the completion of its deployment;

Expressed deepest concern at the presence in very high numbers of unexploded ordnance in southern Lebanon, including cluster munitions;

Reaffirmed the urgent need for the unconditional release of the abducted Israeli soldiers.

⁸¹ S/PRST/2006/52.

**Decision of 17 April 2007 (5664th meeting):
statement by the President**

At its 5664th meeting, on 17 April 2007, in which the representative of Lebanon was invited to participate, the Council included in its agenda the report of the Secretary-General dated 14 March 2007 on the implementation of resolution 1701 (2006).⁸² In his report, the Secretary-General welcomed the continued commitment by both the Government of Lebanon and the Government of Israel, as well as the commitment of the Syrian Arab Republic, to the implementation of resolution 1701 (2006). In Israel there was growing criticism that resolution 1701 (2006) had not addressed the issues of most concern to Israelis, namely the return of its captured soldiers and reported arms movements to and within Lebanon. The Secretary-General urged the Government of Israel to continue to work to implement all aspects of the resolution without selectivity and to continue to review its policy of flights over Lebanese airspace. The Prime Minister of Lebanon had expressed the frustration of his country with the continuing Israeli overflights, the rising civilian toll caused by Israeli cluster bombs and the slow progress on the issue of the Shab'a farms. The Secretary-General welcomed the support to UNIFIL and to resolution 1701 (2006) that had been expressed publicly by all Lebanese parties, but expressed concern that the persistent political crisis in the country was overshadowing the implementation of the resolution. He called on all Lebanese parties to recommit themselves to the principles of the seven-point plan. In reference to incidents along the Blue Line early in February, he stressed that both parties shared responsibility for avoiding provocative actions likely to cause tensions to escalate along the Blue Line. He maintained that the Shab'a farms area remained a key issue in the implementation of resolution 1710 (2006), and its resolution required the full cooperation of Lebanon, the Syrian Arab Republic and Israel.

The President (United Kingdom) then drew the attention of the Council to a letter dated 11 April 2007 from the representative of Israel, addressed to the Secretary-General,⁸³ which raised a number of issues with regard to the report of the Secretary-General dated 14 March 2007 on the implementation of resolution 1701 (2006).

⁸² S/2007/147, submitted in response to the statement by the President of 12 December 2006 (S/PRST/2006/52).

⁸³ S/2007/199.

The President made a statement on behalf of the Council,⁸⁴ by which the Council, *inter alia*:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon;

Welcomed the completion of the second phase of the deployment of UNIFIL;

Urged the Governments of Israel and Lebanon to approve the temporary security arrangements for the northern part of the village of Ghajar and to further close liaison and coordination arrangements with UNIFIL;

Welcomed the measures taken by the Government of Lebanon to establish between the Blue Line and the Litani river an area free of any armed personnel;

Reiterated its deep concern at the continuing Israeli violations of Lebanese air space;

Expressed its serious concern at mounting information by Israel and another State of illegal movements of arms across the Lebanese-Syrian border in violation of resolution 1701 (2006);

Welcomed the Secretary-General's intention to evaluate the situation along the entire border;

Urged again all Member States to take all necessary measures to implement in full paragraph 15 of resolution 1701 (2006) to enforce the arms embargo;

Welcomed any request by the Government of Lebanon for assistance to enhance Lebanon's border security capacities;

Reiterated its call for disbanding and disarmament of all militias and armed groups in Lebanon;

Expressed deepest worry at the presence in very high numbers of unexploded ordnance in southern Lebanon;

Noted with profound concern that there has been no progress on the issue of the return of the two Israeli soldiers;

Encouraged efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel;

Stressed the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East.

**Decision of 25 June 2007 (5704th meeting):
statement by the President**

At the 5704th meeting, on 25 June 2007, in which the representatives of Colombia, Lebanon and Spain were invited to participate, the President (Belgium) made a statement on behalf of the Council,⁸⁵ by which the Council, *inter alia*:

Condemned in the strongest terms the terrorist attack on 24 June near the town of Khiyam in southern Lebanon, which targeted UNIFIL and killed six United Nations peacekeepers;

Extended its deepest condolences to the families of those victims;

Noted the condemnation of the attack by the Government of Lebanon and commended the determination and commitment of the Government of Lebanon to bring to justice the perpetrators of the attack;

Reaffirmed its full support to the Lebanese Government and army in their efforts to ensure security and stability throughout Lebanon;

Appealed to all parties concerned to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel;

Reaffirmed its full support to UNIFIL in carrying out its mandate to assist in the implementation of resolution 1701 (2006), and expressed its strong appreciation to Member States contributing troops.

**Decision of 3 August 2007 (5728th meeting):
statement by the President**

At its 5728th meeting, on August 2007, in which the representatives of Israel and Lebanon were invited to participate, the Council included in its agenda a report of the Secretary-General dated 28 June 2007 on the implementation of resolution 1701 (2006).⁸⁶ In his report, the Secretary-General noted the rocket attack of 17 June 2007 from southern Lebanon against Israel, which constituted a serious breach of the cessation of hostilities. He welcomed the decision of the Government of Israel for its decision not to retaliate. He also noted the attack against UNIFIL on 24 June 2007, in which six UNIFIL personnel were killed and two others injured. He stated that he was disturbed by the persistent reports pointing to breaches of the arms embargo along the Lebanese-Syrian border and was concerned that the border was not sufficiently secure as Lebanese capabilities were lacking. He maintained that the border delineation remained a key issue in the implementation of resolution 1701 (2006).

The Council also included in its agenda a letter from the Secretary-General dated 26 June 2007, transmitting the report of the Lebanon Independent Border Assessment Team.⁸⁷ In the letter, the Secretary-General observed that the Team had concluded that the

⁸⁴ S/ PRST/2007/12.

⁸⁵ S/PRST/2007/21.

⁸⁶ S/2007/392.

⁸⁷ S/2007/382.

state of border security was insufficient to prevent smuggling, in particular the smuggling of arms, to any extent. The presence of armed Palestinian camps constituted a major obstacle, and the incomplete delineation of the border with the Syrian Arab Republic further hampered border control. A political agreement on the border issue was urgently needed. The Team made the following recommendations: to create a multi-agency mobile force focusing on arms smuggling with an intelligence and analysis component and international border security experts; to implement a dedicated border guard agency; to create standard operating procedures to establish full and absolute control over border crossing points; to establish training programmes; and to establish cooperation with Syrian counterparts, making border security management a joint effort to secure the border and prevent illegal cross-border activities.

The President (Congo) made a statement on behalf of the Council,⁸⁸ by which the Council, *inter alia*:

Reaffirmed its strong support for the sovereignty, territorial integrity, unity, and political independence of Lebanon and condemned any effort to destabilize Lebanon;

Reiterated its full support for the efforts carried out by the Lebanese Army to ensure security and stability throughout Lebanon and reaffirmed that there should be no weapons or authority in Lebanon other than that of the Lebanese State;

Reaffirmed its full support for UNIFIL, condemned all terrorist attacks against it, and called on all parties to abide by their obligation to respect the safety of United Nations personnel;

Expressed grave concern at persistent reports of breaches of the arms embargo along the border between Lebanon and the Syrian Arab Republic;

Reiterated its call for the disbanding and disarmament of all militias and armed groups in Lebanon;

Requested that the Secretary-General continue to develop proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004), 1680 (2006), including disarmament;

Stressed the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions.

⁸⁸ S/PRST/2007/29.

Decision of 24 August 2007 (5733rd meeting): resolution 1773 (2007)

At its 5733rd meeting, on 24 August 2007, in which the representatives of Belgium, France, Ghana, Indonesia, Italy, Qatar, the Russian Federation, South Africa and the United States made statements,⁸⁹ the Council included in its agenda a letter dated 2 August 2007 from the Secretary-General addressed to the President, recommending the extension of the mandate of UNIFIL, which would expire on 31 August 2007, for a further interim period of 12 months.⁹⁰

The President (Congo) drew the attention of the Council to a letter from the Secretary-General, transmitting a letter dated 25 June 2007 from the Prime Minister of Lebanon to the Secretary-General.⁹¹ By that letter, the Government of Lebanon requested the extension of the mandate of UNIFIL for a further period of 12 months.

The representative of South Africa noted that his delegation would have preferred that the Council consider a draft resolution of a technical nature. There was no reason to have included in the draft resolution before the Council unrelated sensitive issues on which the Council commented in numerous resolutions and presidential statements. While he was not entirely satisfied with all of the elements of the draft resolution, he would vote in favour because he believed that UNIFIL had a positive role to play in bringing about long-term peace and security in Lebanon.⁹²

A draft resolution submitted by Belgium, France, Italy, Peru, Slovakia, the United Kingdom and the United States⁹³ was then put to the vote and adopted unanimously as resolution 1773 (2007), by which the Council, determining that the situation in Lebanon constituted a threat to international peace and security, *inter alia*:

Decided to extend the mandate of UNIFIL until 31 August 2008;

Urged all parties to cooperate fully with the United Nations and UNIFIL and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United

⁸⁹ The representatives of Israel and Lebanon were invited to participate in the meeting but did not make statements.

⁹⁰ S/2007/470.

⁹¹ S/2007/396.

⁹² S/PV.5733, p. 2.

⁹³ S/2007/506.

Nations personnel, including by avoiding any course of action which endangered United Nations personnel and by ensuring that UNIFIL was accorded full freedom of movement within its area of operations;

Requested the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006) every four months, or at any time as he deemed appropriate.

Speaking after the vote, many speakers conveyed their gratification at the unanimous adoption of resolution 1773 (2007). Most speakers stressed that UNIFIL had helped to establish a new strategic military and security environment in southern Lebanon. They commented that it was imperative that UNIFIL was able to rely on the cooperation of all parties in order to carry out its mandate, particularly with respect to the cessation of hostilities and for the Blue Line in its entirety.

The representative of Indonesia announced regret that the resolution did not address the matter of continued violation of the airspace of the Government of Lebanon.⁹⁴

The representative of France noted that, despite improvements in the security situation in southern Lebanon, UNIFIL continued to operate in a difficult and unstable environment. Under those conditions, it was imperative that UNIFIL be able to rely on the cooperation of all parties in order to discharge its mandate. That required pursuing and strengthening the mechanism for cooperation in the field and the full implementation by the parties of the demands of the Council, in particular respect for the cessation of hostilities and for the Blue Line in its entirety and respect for the sovereignty and territorial integrity of Lebanon.⁹⁵

The representative of the United States expressed his deep concern about the continued weapons transfers across the border between Lebanon and the Syrian Arab Republic, which was a violation of resolution 1701 (2006). He called on the Governments of the Syrian Arab Republic and the Islamic Republic of Iran to honour the obligations under the arms embargo established under resolution 1701 (2006).⁹⁶

The representative of the Russian Federation opined that the resolution was a compromised text and

that other issues raised, in particular the question of the weapons smuggling, did not relate to the text that had just been adopted. He stated that his delegation could also continue the list of problems, including with regard to cluster bombs.⁹⁷

C. Security Council resolution 1559 (2004)

Decision of 2 September 2004 (5028th meeting): resolution 1559 (2004)

At the 5028th meeting, on 2 September 2004, the President (Spain) drew the attention of the Security Council to a draft resolution submitted by France, Germany, the United Kingdom and the United States⁹⁸ and to two sets of identical letters from the representative of Lebanon and from the representative of the Syrian Arab Republic, respectively, both addressed to the President and to the Secretary-General. The identical letters dated 30 August 2004 from the representative of Lebanon,⁹⁹ informed the Council that proceeding with the draft resolution under consideration would set a dangerous precedent. He said that the timing of the draft resolution interfered with the then forthcoming presidential elections and would adversely influence the electoral process, as the Security Council could be seen as a tool of intervention in the internal affairs of Lebanon; that the role of the Government of the Syrian Arab Republic in Lebanon had always been to support and strengthen the official security institutions of Lebanon; and that the presence of Syrian troops in Lebanon was linked to the Taif Agreement and other bilateral agreements between the Government of Lebanon and the Syrian Arab Republic, and that therefore no external entity was entitled to intervene in regard to its modalities or to impose changes.

The identical letters dated 1 September 2004 from the representative of the Syrian Arab Republic,¹⁰⁰ conveyed to the Council that the Syrian Arab Republic rejected in principle any discussion of the proposed draft resolution. He cited the following reasons: that the Government of Lebanon rejected the raising of the issue; that the discussion in the Security Council contradicted Article 2 (7) of the Charter, and that the

⁹⁴ S/PV.5733, p. 4.

⁹⁵ Ibid., pp. 2-3.

⁹⁶ Ibid., pp. 5-6.

⁹⁷ Ibid., p. 5.

⁹⁸ S/2004/707.

⁹⁹ S/2004/699.

¹⁰⁰ S/2004/706.

issues raised were not linked to any disputes and did not constitute a threat to international peace and security.

Statements were made by the representatives of Algeria, Angola, Benin, Chile, China, France, Lebanon,¹⁰¹ Pakistan, the Philippines, the Russian Federation and the United States.

The representative of Lebanon, regarding the draft resolution, stated that although his delegation appreciated the interest shown by France, Germany, the United Kingdom and the United States, and their emphasis on Lebanon's sovereignty, territorial integrity and political independence, he recalled that it was the Lebanese people who had a stake in those matters. He stressed that the country that had attacked Lebanon, continued to occupy parts of its territory and threatened its political independence — Israel — had been forced to leave the western Bekaa and the south by the Lebanese national resistance. He stated that there were no militias in Lebanon and that the Lebanese national resistance had appeared following the Israeli occupation of Lebanese territory and would remain there as long as the Israelis occupied parts of Lebanon. The resistance forces existed alongside the Lebanese national forces, and the military authorities determined their presence and size according to Lebanon's needs. He asserted that the authority of the Government of Lebanon extended over all of Lebanese territory except the Israeli-occupied areas. He maintained that the draft resolution confused two matters. First, it confused the unique relations between Lebanon and the Syrian Arab Republic, which was friendly to the Government of Lebanon. The Syrian Arab Republic helped maintain security and stability within the borders of Lebanon. He stressed that Syrian troops had come to Lebanon in response to his country's legitimate request, and that their presence was guided by the Taif Agreement, which had the support of the Security Council. To say that the Syrian Arab Republic supported radical movements in Lebanon was therefore untrue. The second matter, relating to the presidential electoral process, was purely internal. He maintained that the legitimacy of the United Nations, the Charter, and the rules of procedure of the Security Council did not provide justification for the draft resolution, which constituted interference in the internal affairs of a State

¹⁰¹ At this meeting, Lebanon was represented by the Secretary-General of the Ministry of Foreign Affairs and Emigrants and Vice-President of the Lebanese delegation to the General Assembly.

Member of the Organization. Moreover, the draft resolution also discussed bilateral relations between two countries, neither of which had filed any complaint with regard to those relations. He therefore called for the withdrawal of the draft resolution.¹⁰²

The draft resolution was put to the vote and was adopted by 9 votes to none, with 6 abstentions (Algeria, Brazil, China, Pakistan, Philippines, Russian Federation) as resolution 1559 (2004), by which the Council, *inter alia*:

Reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon;

Called upon all remaining foreign forces to withdraw from Lebanon;

Called for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Supported the extension of the control of the Government of Lebanon over all Lebanese territory;

Declared its full support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence;

Called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of its resolutions;

Requested that the Secretary-General report to the Council within 30 days on the implementation by the parties of the resolution.

Speaking after the vote, the representative of the United States stated that the Government of Lebanon should be allowed to determine its own future and assume control of its own territory. He maintained that the people of Lebanon were not able to exercise their rights. He stated that the sponsors of the resolution had asked for a vote, because the situation was moving very quickly. The Government of the Syrian Arab Republic had "imposed its political will on Lebanon" and "compelled the Cabinet and the Lebanese National Assembly to amend its Constitution and abort the electoral process by extending the term of the current President by three years". He maintained that it was clear that the parliamentarians of Lebanon had been "pressured, and even threatened" by the Government of the Syrian Arab Republic and its agents. Expressing strong support for the extension of the control of the Government of Lebanon over all Lebanese territory,

¹⁰² S/PV.5028, pp. 2-3.

including southern Lebanon, he said that the continued presence of armed Hizbullah militia elements, as well as Syrian military and Iranian forces, hindered that goal.¹⁰³

The representative of France maintained that the future of Lebanon was being seriously threatened by the interference of the Syrian Arab Republic in the political life of the country and, in particular, in the electoral process. He stated that France was deeply concerned that Lebanon might retreat from the objectives that had been constantly reaffirmed by the international community, which was why a decisive response by the Security Council seemed essential. He stressed that the electoral process needed to proceed without any foreign interference. He maintained that the Council was not committing an act of interference, but that, if the Council refrained from taking action, it would be sanctioning the inadmissible interference by a State in the internal affairs of another sovereign State.¹⁰⁴

The representative of China stated that China had always been resolute in supporting the sovereignty, independence and territorial integrity of Lebanon. In the view of his delegation, the questions concerning presidential elections in Lebanon fell within the purview of the internal affairs of Lebanon. China also respected the wishes of the Government of Lebanon, which had clearly stated its objection to the consideration of those questions by the Council. It was on the basis of that position that China had abstained from voting on the draft resolution.¹⁰⁵

The representative of Algeria stated that his delegation had abstained for five reasons. First, the situation in Lebanon did not appear to constitute a threat to international peace and security. Second, it was the Government of Israel that constituted a threat to international peace and security, and he wished that the Security Council would display the same firmness towards Israel as it showed with Lebanon. Third, the Council should not interfere with the internal affairs of States or in bilateral relations between States. Fourth, as a matter of principle, his delegation could not associate itself with a draft resolution that included "even implicit threats against fraternal countries". Lastly, he believed that only a comprehensive, just and lasting settlement based on respect for international law, the principle of land for peace and withdrawal of Israel from all

occupied Palestinian and Arab lands could bring about a just and final peace throughout the region.¹⁰⁶

The representative of Pakistan stated that he had not supported the draft resolution as it was not consistent with the Security Council's functions and responsibilities and established no evidence of any urgent threat to peace. Moreover, there had been no complaint from the country whose sovereignty and integrity the resolution purported to uphold. He suggested that the resolution also addressed the wrong threat, and stated that his delegation construed the provisions of paragraph 2 as constituting a reference to those foreign forces which had entered Lebanon uninvited and by force. The resolution intervened in the internal affairs of Lebanon, which was unacceptable and contrary to Article 2 (7) of the Charter.¹⁰⁷ The representatives of Brazil and the Philippines also stated that they had abstained in the voting since the resolution could not be justified as part of the role given to the Security Council in the Charter, as it dealt with matters that were essentially within the domestic jurisdiction of Lebanon in violation of Article 2 (7), and the existence of a dispute likely to endanger international peace and security had not been properly characterized in the text.¹⁰⁸

The representative of the Russian Federation stressed that, in relation to Lebanon, any misstep could possibly exacerbate the situation in the region and lead to the emergence of a new pocket of instability or the upsetting of the fragile political balance in Lebanon itself. He recalled that his delegation had submitted amendments for the consideration of the Council in order to put the draft resolution more in the context of an overall Middle East settlement and to prevent it from being one-sided and from concentrating solely on domestic Lebanese affairs. As those proposals were not adopted, the Russian Federation had abstained from voting.¹⁰⁹

The representative of Chile also noted that the resolution showed a double standard in the Middle East conflict, as demonstrated by the "sad lack of political will" to deal with the occupation of Israel in the West

¹⁰³ Ibid., pp. 3-4.

¹⁰⁴ Ibid., p. 4.

¹⁰⁵ Ibid., p. 5.

¹⁰⁶ Ibid., pp. 5-6.

¹⁰⁷ Ibid., p. 6. For more information on the discussion at this meeting relating to Article 2 (7) of the Charter, see chap. XII, part I.

¹⁰⁸ Ibid., pp. 6-7 (Brazil); and pp. 7-8 (Philippines).

¹⁰⁹ Ibid., p. 6.

Bank, Gaza and the Golan and it was of concern that there was no mention of the peace plan for the Israeli-Palestinian conflict.¹¹⁰ The representative of Angola had voted in favour but believed that the Security Council could have been better balanced and could have taken into account the very delicate geostrategic realities of the region.¹¹¹ The representative of Benin reiterated his delegation's support for the efforts to bring about a comprehensive political settlement in the Middle East through the withdrawal of all foreign forces present in the countries of the region.¹¹²

**Decision of 19 October 2004 (5058th meeting):
statement by the President**

At the 5058th meeting, on 19 October 2004, the Council included in its agenda the report of the Secretary-General dated 1 October 2004.¹¹³ In his report, the Secretary-General observed that the Syrian military and intelligence apparatus in Lebanon had not withdrawn as at 30 September 2004. He stated that the most significant remaining armed group was Hizbullah. The Government of Lebanon objected to the characterization of Hizbullah as a Lebanese militia and referred to it as a "national resistance group". Regarding the presidential election process, the Secretary-General informed the Council that the Chamber of Deputies had approved Constitutional Law 58, which extended the term of the President of Lebanon by three years. While the Government had informed the Secretary-General that the law had been adopted in accordance with Lebanese constitutional rules, it was widely contended in Lebanon, and it was "asserted by the co-sponsors of resolution 1559 (2004)" that the extension was the result of a direct intervention by the Government of the Syrian Arab Republic. Ten members of the Chamber of Deputies had tabled a motion in the Chamber to abrogate the law. The Secretary-General stated that he could not certify that the requirements of resolution 1559 (2004) had been met. However, he noted that the Government of Lebanon and the Government of the Syrian Arab Republic had assured him of their respect for the Council and that they would not contest the resolution.

¹¹⁰ Ibid., p. 7.

¹¹¹ Ibid.

¹¹² Ibid., p. 8.

¹¹³ S/2004/777, submitted pursuant to resolution 1559 (2004).

The President (United Kingdom) brought two documents to the attention of the Council.¹¹⁴ The President then made a statement on behalf of the Council,¹¹⁵ by which the Council, inter alia:

Welcomed the report of the Secretary-General of 1 October 2004 on the implementation of resolution 1559 (2004);

Reaffirmed its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders;

Noted with concern that the requirements set out in resolution 1559 (2004) had not been met, as reported by the Secretary-General;

Urged relevant parties to implement fully all provisions of that resolution, and welcomed the Secretary-General's readiness to assist the parties in that regard.

**Decision of 4 May 2005 (5175th meeting):
statement by the President**

At its 5172nd meeting, on 29 April 2005, the Council included in its agenda the first semi-annual report of the Secretary-General, dated 26 April 2005, on the implementation of resolution 1559 (2004).¹¹⁶ In his report, the Secretary-General observed that the requirements of resolution 1559 (2004) had not yet been met. He noted the commitment of the Government of the Syrian Arab Republic to withdraw all its troops, military assets and the intelligence apparatus from Lebanon by 30 April 2005, as stated in a letter dated 26 April 2005. He also informed the Council that an agreement had been reached on a technical United Nations verification mission that would be dispatched in order to verify the full Syrian withdrawal. He stressed that he assigned the withdrawal of foreign forces from Lebanon his highest priority. He also stated that he had been discussing with the Government of Lebanon the possibility of extending United Nations technical assistance at the request of the Government of Lebanon in order to

¹¹⁴ A letter dated 5 October 2004 from the representative of Lebanon to the Secretary-General (S/2004/794 and Corr.1), submitting observations on the report of the Secretary-General; and a note verbale dated 6 October 2004 from the Permanent Mission of the Syrian Arab Republic to the President of the Council (S/2004/796), submitting observations on the report of the Secretary-General.

¹¹⁵ S/PRST/2004/36.

¹¹⁶ S/2005/272, submitted pursuant to the statement by the President of 19 October 2004 (S/PRST/2004/36).

ensure that the elections could be conducted in a free and credible manner.

The Council heard a briefing by the Special Envoy of the Secretary-General.¹¹⁷ He stated that 26 April 2005 represented a historic day for the Lebanese and Syrian people as it marked the visible withdrawal of Syrian forces from Lebanon and the reception of the formal notification from the Government of the Syrian Arab Republic that the Syrian Arab Republic had withdrawn all its troops, military assets and intelligence apparatus from Lebanon. A full Syrian withdrawal represented a significant and important action towards ending the foreign interference that had characterized Lebanese politics for decades. He maintained that the withdrawal of foreign forces was a precondition for the restoration of the full sovereignty, territorial integrity and political independence of Lebanon. Another precondition was the holding of free and credible parliamentary elections. He stressed that, to verify the full and complete withdrawal of Syrian forces, the Secretary-General had dispatched a United Nations verification mission. The Governments of Lebanon and the Syrian Arab Republic assured the United Nations that both Governments would assist the mission in its important task. He informed the Council that following the discussion with the Government of Lebanon the possibility of extending United Nations technical assistance to ensure free and credible parliamentary elections, United Nations electoral experts had been sent to assist the Government of Lebanon in its preparations. The Secretary-General also encouraged the idea that international electoral observers would be invited to monitor the elections.¹¹⁸

At its 5175th meeting, on 4 May 2005, the Council again included in its agenda the first semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004). The President (Denmark) then made a statement on behalf of the Council,¹¹⁹ by which the Council, *inter alia*:

Welcomed the first semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004);

Acknowledged the letter dated 26 April 2005 from the Minister for Foreign Affairs of the Syrian Arab Republic to the

¹¹⁷ The Secretary-General participated in the meeting but did not make a statement.

¹¹⁸ S/PV.5172, pp. 2-4.

¹¹⁹ S/PRST/2005/17.

Secretary-General stating that the Syrian Arab Republic had completed the full withdrawal of its forces, military assets and the intelligence apparatus from Lebanon;

Called upon the Government of the Syrian Arab Republic and the Government of Lebanon to extend their full cooperation to the United Nations verification team;

Welcomed the decision of the Government of Lebanon to conduct elections beginning on 29 May 2005;

Encouraged the Secretary-General and the Government of Lebanon to reach arrangements for international assistance, including United Nations assistance, to ensure that such elections were conducted in a free and credible manner.

**Decision of 7 June 2005 (5197th meeting):
statement by the President**

At the 5197th meeting, on 7 June 2005, the President (France) made a statement on behalf of the Council,¹²⁰ by which the Council, *inter alia*:

Condemned the terrorist bombing on 2 June 2005 in Beirut that killed a Lebanese journalist, and expressed its deepest sympathy and condolences to the family of the victim and to the people of Lebanon;

Welcomed the determination and commitment of the Government of Lebanon to bring to justice the perpetrators as that assassination constituted a pernicious effort to undermine security, stability, sovereignty, political independence and efforts aimed at preserving civil accord in the country;

Expressed concern about the destabilizing impact of political assassinations and other terrorist acts in Lebanon, and warned that the sponsors of recent terrorist acts should not be permitted to jeopardize the holding of parliamentary elections;

Reaffirmed its resolution 1559 (2004), and reiterated its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon;

Urged all States to cooperate fully in the fight against terrorism.

**Decision of 22 June 2005 (5212th meeting):
statement by the President**

At the 5212th meeting, on 22 June 2005, the President (France) made a statement on behalf of the Council,¹²¹ by which the Council, *inter alia*:

Commended the Government of Lebanon for the successful conduct of the elections and expressed its appreciation for the advice and technical support given to the Lebanese authorities by the United Nations Electoral Assistance

¹²⁰ S/PRST/2005/22.

¹²¹ S/PRST/2005/26.

Division and the international observers, notably from the European Union;

Looked forward to the formation of a new government in the near future, and stressed that the establishment of that government in accordance with the constitutional rules and without any foreign interference would be another sign of the political independence and sovereignty of Lebanon;

Strongly condemned the recent terrorist acts in Lebanon, in particular the heinous assassination of former leader of the Communist Party George Hawi, and called for their perpetrators to be brought to justice;

Called upon the international community to stand ready to examine possible requests from the newly elected Lebanese authorities for enhanced assistance and cooperation;

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004) and urged all concerned parties to cooperate fully to achieve this goal; also called for the full implementation of resolution 1595 (2005);

Reaffirmed its strong support for the sovereignty, territorial integrity, unity and political independence of Lebanon within its internationally recognized borders and under the sole and exclusive authority of the Government of Lebanon.

**Decision of 12 December 2005 (5320th meeting):
statement by the President**

At the 5320th meeting, on 12 December 2005, the representative of Lebanon was invited to participate in the discussion. The President (United Kingdom) then made a statement on behalf of the Council,¹²² by which the Council, inter alia:

Condemned in the strongest terms the terrorist bombing on 12 December 2005 in the suburbs of Beirut that killed Lebanese member of Parliament, editor and journalist Gebrane Tueni, a patriot who was an outspoken symbol of freedom and the sovereignty and political independence of Lebanon, as well as three others; and expressed its deepest sympathy to the families of those killed and injured;

Reiterated its deepest concern about the destabilizing impact of political assassinations and other terrorist acts in Lebanon;

Reiterated also its warning that the sponsors of that and previous terrorist attacks against political leaders and leading members of civil society in Lebanon, whose obvious aim was to undermine Lebanon's security, stability, sovereignty, national unity, political independence and press freedom, would not be permitted to succeed and would finally be held accountable for their crimes;

¹²² S/PRST/2005/61.

Reaffirmed its resolution 1559 (2004), and reiterated once again its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon.

**Decision of 23 January 2006 (5352nd meeting):
statement by the President**

At the 5352nd meeting, on 23 January 2006, the Special Envoy of the Secretary-General for the implementation of resolution 1559 (2004) was invited to participate in the discussion. The Council included in its agenda a letter dated 26 October 2005 from the Secretary-General to the President of the Council, transmitting his second semi-annual report on the implementation of resolution 1559 (2004).¹²³ In his report, the Secretary-General observed that the requirements of the withdrawal of Syrian troops and military assets had been met. He also noted that complications had arisen from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic. There had also been difficulties related to the control of the borderline between Lebanon and the Syrian Arab Republic and the issue of the illegal transfer of arms and people towards armed groups in Lebanon. He noted that the next step in the process was for the Lebanese Armed Forces to provide continuous and effective security throughout the country at a time when the size of the army was being significantly reduced. The Secretary-General stated that he next planned to focus on working with the authorities of Lebanon on the complete exercise of governmental control and authority throughout all of Lebanon, unchallenged by the existence of independent and unsupervised Lebanese and non-Lebanese groups.

The President (United Republic of Tanzania) made a statement on behalf of the Council,¹²⁴ by which the Council, inter alia:

Noted that significant further progress had been made towards the implementation of resolution 1559 (2004) but also noted that other provisions of that resolution had yet to be implemented;

Commended the Government of Lebanon for the dialogue it initiated in October 2005 with representatives of militias and for taking measures against movements of arms and people into Lebanese territory;

Condemned the continued terrorist attacks in Lebanon;

¹²³ S/2005/673, submitted pursuant to the statement by the President of 19 October 2004 (S/PRST/2004/36).

¹²⁴ S/PRST/2006/3.

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004), and urged all concerned parties to cooperate fully with the Council and the Secretary-General to achieve that goal.

**Decision of 17 May 2006 (5440th meeting):
resolution 1680 (2006)**

At the 5417th meeting,¹²⁵ on 21 April 2006, statements were made by the representatives of Lebanon and the Syrian Arab Republic.¹²⁶

The representative of Lebanon thanked the Security Council for all the support it had provided in enhancing the sovereignty and prosperity of Lebanon. He stated that the national dialogue conference, initiated in March 2006, had already achieved significant progress. Consensus had been reached on important matters such as relations with the Syrian Arab Republic, the delimitation of all common borders between Lebanon and the Syrian Arab Republic, including the Shab'a farms area, the policy towards the Palestinians in Lebanon, and the international investigation and judicial process relating to the assassination of the former Prime Minister, Rafiq Hariri. There was already unanimous agreement that the relations between the Governments of Lebanon and the Syrian Arab Republic should be strong and positive based on mutual respect, parity and non-interference. A positive response by the Government of the Syrian Arab Republic with regard to the steps agreed by all the parties in the national dialogue — including the establishment of diplomatic relations and the delineation of the border between the two countries — would be an indication that the Government of the Syrian Arab Republic was beginning to accept the idea that good relations between it and an independent Lebanon were possible. He stated that the delineation of the border in the Shab'a farms area was important in that context, because it had major implications for the ability of the Government of Lebanon to “liberate” that area. The representative of Lebanon further noted that he would wait for the confirmation of the specific steps required by the United Nations to recognize Lebanese sovereignty over the territory of the Shab'a farms. He noted that, in addition to implementing decisions

already taken by the national dialogue conference, the other challenge was to reach agreement on two remaining issues. The first was the issue of the presidency of Lebanon. The majority in parliament considered the extension of the term of office of President Emile Lahoud to have been the result of interference and coercion by the Syrian Arab Republic. However, as the majority in parliament was not sufficient to constitutionally shorten the President's extended term, the issue had been referred to the national dialogue in the hope that consensus could be reached, although this had proved difficult so far. The other issues were Hizbullah's weapons and their role in the defence of Lebanon. He also expressed appreciation for the work of the International Independent Investigation Commission.¹²⁷

The representative of the Syrian Arab Republic reaffirmed the special relationship between Lebanon and his country. He believed that there were no problems in regard to the demarcation of the border between the two countries, but the Government of the Syrian Arab Republic was willing to demarcate the border and had sent a letter on the issue to the Government of Lebanon. He stressed that the demarcation of the border in the Shab'a farms area could not occur until Israel withdrew from the area. He maintained that the Government of the Syrian Arab Republic had implemented the provisions of resolution 1559 (2004) pertaining to it when it withdrew all its troops and personnel from Lebanon on 26 April 2005. He rejected the idea proposed by other parties that the issues of the demarcation of the border and the exchange of ambassadors were part of resolution 1559 (2004), emphasizing that the matters of exchanging ambassadors and demarcating the border were sovereign matters for Lebanon and the Syrian Arab Republic and that the Council should not interfere in those matters, in accordance with Article 2 (7) of the Charter. He concluded by saying that some States had taken advantage of their membership in the Security Council to achieve certain objectives, which was contrary to the goal of peace and security in the region and would contribute to instability and tension.¹²⁸

At the 5440th meeting, on 17 May 2006, at which statements were made by the representatives of

¹²⁵ At the 5418th meeting, held in private on 21 April 2006, Council members and the Prime Minister of Lebanon had an exchange of views.

¹²⁶ At this meeting, Lebanon was represented by the Prime Minister. The Secretary-General participated in the meeting but did not make a statement.

¹²⁷ S/PV.5417, pp. 2-5.

¹²⁸ *Ibid.*, pp. 5-6.

Argentina, China, Qatar and the Russian Federation,¹²⁹ the Council included in its agenda a letter dated 18 April 2006 from the Secretary-General addressed to the President of the Council, transmitting the third semi-annual report on the implementation of resolution 1559 (2004).¹³⁰ In his report, the Secretary-General observed that further significant progress had been made towards the implementation of all provisions of resolution 1559 (2004). The disbanding and disarmament of all Lebanese and non-Lebanese militias, the extension of the control of the Government of Lebanon over all Lebanese territory and the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon had yet to be achieved, however. He called for all parties to cooperate in implementing those provisions of resolution 1559 (2004). He called on the Government of the Syrian Arab Republic to accept the offer proposed by the Government of Lebanon, which would have both countries working together to establish embassies and delineate their mutual border.

The President (Congo) drew the attention of the Council to a letter from the representative of the Syrian Arab Republic.¹³¹ The President then drew the attention of the Council to a draft resolution submitted by Denmark, France, Slovakia, the United Kingdom and the United States;¹³² it was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1680 (2006), by which the Council, *inter alia*:

Reiterated its call for the full implementation of all requirements of resolution 1559 (2004);

Reiterated also its call upon all concerned States and parties to cooperate fully with the Government of Lebanon, the Security Council and the Secretary-General to achieve that goal;

Strongly encouraged the Government of the Syrian Arab Republic to respond positively to the request made by the

Government of Lebanon to delineate their common border and to establish full diplomatic relations and representation;

Commended the Government of Lebanon for taking measures against movements of arms into Lebanese territory, and called upon the Government of the Syrian Arab Republic to take similar measures;

Reiterated its support to the Secretary-General and his Special Envoy in their efforts and dedication to facilitate and assist in the implementation of all provisions of resolution 1559 (2004).

Speaking after the vote, the representative of the Russian Federation stated that he advocated the strengthening of stability in Lebanon and the normalization of the situation in the Syrian Arab Republic. He was convinced that the sovereignty, unity and territorial integrity of Lebanon could be strengthened exclusively through dialogue between Damascus and Beirut. He emphasized that resolution 1680 (2006) was “a departure from the aforementioned tasks”. The Russian delegation did not see any particular need at this stage for any further substantive reaction on the part of the Council on issues related to Syrian-Lebanese relations. He also stated that the Russian Federation had found it impossible to support the resolution after its proposed amendments to the resolution had not been taken into account.¹³³

The representative of Argentina stated that the Government of Argentina did not believe it necessary to reinterpret the operative paragraphs of resolution 1559 (2004) or to keep saddling the parties with additional obligations. His delegation also believed that the language of the resolution needed to be interpreted in the light of the relevant provisions of international law on diplomatic affairs. The Vienna Convention on Diplomatic Relations was specific in its determination that diplomatic relations and mutual diplomatic representation had to be established through mutual consent of the States involved. His country did not believe that the Security Council should become involved in those matters, which were solely of a bilateral nature. Argentina believed that the paragraph on that subject did not establish a precedent that could be invoked in the future on this or other issues.¹³⁴

The representative of China stated that the Government of China fully understood and supported the desire and demand of Lebanon to establish

¹²⁹ The representative of Lebanon was invited to participate in the meeting but did not make a statement.

¹³⁰ S/2006/248.

¹³¹ S/2006/259, dated 24 April 2006 and addressed to Secretary-General, in which it was stated that the report on the implementation of resolution 1559 (2004) had exceeded the mandate provided in that resolution and had focused on issues that fell within the domestic jurisdiction of both countries. It was also reaffirmed that all of the troops, military assets and security apparatus of the Syrian Arab Republic had been withdrawn from Lebanon on 26 April 2005.

¹³² S/2006/298.

¹³³ S/PV.5440, pp. 2-3.

¹³⁴ *Ibid.*, p. 3.

diplomatic relations and to define its border with its neighbours and hoped that Lebanon and the Syrian Arab Republic would continue their bilateral dialogue. In that light, he had also hoped that the sponsors of the draft resolution would make corresponding changes so that a consensus could be achieved. As such changes had not been made, the Government of China had abstained from voting.¹³⁵

The representative of Qatar expressed regret that the resolution did not mention any breaches by Israel of the Blue Line, as those were among the elements that were hampering the full implementation of resolution 1559 (2004).¹³⁶

**Decision of 30 October 2006 (5559th meeting):
statement by the President**

At the 5559th meeting, on 30 October 2006, in which the representative of Lebanon was invited to participate, the Council included in its agenda the fourth semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004), dated 19 October 2006.¹³⁷ In his report, the Secretary-General noted that, in the six months since his previous report, Lebanon had witnessed a political standstill followed by a severe deterioration and prolonged instability, including the hostilities between Israel and Hizbullah, which had begun on 12 July.¹³⁸ Nonetheless, he observed that considerable progress had been achieved towards the implementation of resolution 1559 (2004). Free and fair legislative elections had been held, and progress had been made in reference to the extension of control by the Government of Lebanon over Lebanese territory. However, the disbanding and disarmament of all Lebanese and non-Lebanese militias had yet to be implemented in full. He stressed that this was a necessary element for Lebanon to consolidate its position as a sovereign and democratic State, and could only be achieved through an inclusive process that addressed the political and economic interests of all Lebanese and of those living in Lebanon. He also noted that the establishment of full diplomatic relations between Lebanon and the Syrian Arab Republic and

their delineation of the shared border, including the Shab'a farms area, through a bilateral agreement would constitute significant steps towards promoting peace and security in the region.

The President (Japan) made a statement on behalf of the Council,¹³⁹ by which the Council, *inter alia*:

Noted that important progress had been made towards the implementation of resolution 1559 (2004) but also noted with regret that some other provisions of that resolution had yet to be implemented;

Commended the Government of Lebanon for extending its authority throughout its territory; reiterated its call for the full implementation of resolution 1559 (2004) and urged all concerned parties to fully cooperate to achieve that goal;

Reaffirmed its support to the Secretary-General and his Special Envoy in their efforts and dedication, and looked forward to the further recommendations of the Secretary-General on the relevant outstanding issues.

**Decision of 11 June 2007 (5691st meeting):
statement by the President**

At its 5691st meeting,¹⁴⁰ on 11 June 2007, the Council included in its agenda the fifth semi-annual report of the Secretary-General on the implementation of resolution 1559 (2004), dated 7 May 2007.¹⁴¹ In his report, the Secretary-General observed that, while further progress had been made, resolution 1559 (2004) had yet to be achieved in full. He noted that the Government of Lebanon had continued to witness prolonged political uncertainty. The consultations among the political leaders in Lebanon to resolve their differences that had begun on 6 November 2006 had collapsed and the Shiite and other members of the Cabinet had resigned from the Government. He noted that the opposition, consisting of Amal, Hizbullah and the Free Patriotic Movement, as well as President Lahoud, had maintained that the Cabinet no longer enjoyed constitutional legitimacy. However, the Government had continued to meet and function, since it enjoyed the support of a parliamentary majority. In addition, the Government maintained that, since the Prime Minister had never formally accepted the resignations submitted to him, they were not valid. The enduring standoff had demonstrated that Lebanon was

¹³⁵ *Ibid.*, pp. 3-4.

¹³⁶ *Ibid.*, p. 4.

¹³⁷ S/2006/832.

¹³⁸ See S/2006/670 and S/2006/730 or section 33.B of the present chapter, relating to UNIFIL and resolution 1701 (2006).

¹³⁹ S/PRST/2006/43.

¹⁴⁰ The representative of Lebanon and the Special Envoy of the Secretary-General participated in the meeting but did not make statements.

¹⁴¹ S/2007/262.

in need of a comprehensive and consensual political framework. He said that a resolution of the crisis would have to encompass discussion of an agreement on the issue of the Lebanese presidency. He also highlighted the need to address the allegations of illegal arms trafficking across the Syrian-Lebanese border, and reiterated the importance of the establishment of formal diplomatic relations between Lebanon and the Syrian Arab Republic.

The President (Belgium) made a statement on behalf of the Council,¹⁴² by which the Council, inter alia:

Reiterated its full support for the legitimate and democratically elected Government of Lebanon, called for full respect for the democratic institutions of the country, in conformity with its Constitution, condemned any effort to destabilize Lebanon, and called upon all Lebanese political parties to show responsibility with a view to preventing, through dialogue, further deterioration of the situation in Lebanon;

Reaffirmed its strong support for the territorial integrity, sovereignty, unity and political independence of Lebanon; condemned the ongoing criminal and terrorist acts in Lebanon, including those perpetrated by Fatah al-Islam, and fully supported the efforts carried out by the Lebanese Government and army to ensure security and stability throughout Lebanon;

Underlined the need to protect and give assistance to the civilian population, notably the Palestinian refugees;

Reiterated that there should be no weapons in Lebanon without the consent of its Government; reiterated its deep concern at mounting information by Israel and other states of illegal movements of arms into Lebanon, and in particular across the Lebanese-Syrian border, and looked forward to the conclusions of the Lebanon Independent Border Assessment Team;

Reaffirmed its support to the Secretary-General and his Special Envoy in their efforts and dedication to facilitate and assist in the implementation of all provisions of resolutions 1559 (2004) and 1680 (2006) and looked forward to the next report of the Secretary-General on the implementation of resolution 1701 (2006) and to his further recommendations on the relevant outstanding issues.

**Decision of 11 December 2007 (5799th meeting):
statement by the President**

At the 5799th meeting, on 11 December 2007, the President (Italy) made a statement on behalf of the Council,¹⁴³ by which the Council, inter alia:

Stressed its deep concern at the repeated postponements of the presidential election in Lebanon;

Emphasized that the ongoing political impasse did not serve the interest of the Lebanese people and might lead to further deterioration of the situation in Lebanon;

Reiterated its call for the holding, without delay, of a free and fair presidential election in conformity with Lebanese constitutional rules, without any foreign interference or influence, and with full respect for democratic institutions;

Emphasized the importance of Lebanese constitutional institutions, including the Government of Lebanon, as well as the importance of the unity of the Lebanese people, in particular on the basis of reconciliation and political dialogue;

Called upon all Lebanese political parties to continue to exercise restraint and to show responsibility with a view to preventing, through dialogue, further deterioration of the situation in Lebanon;

Commended the course adopted by the democratically elected Government of Lebanon and the Lebanese Armed Forces in carrying out their respective responsibilities in the period until the presidential election occurred;

Reiterated its call for the full implementation of all its resolutions on Lebanon.

D. Security Council resolution 1595 (2005)

**Decision of 15 February 2005 (5122nd meeting):
statement by the President**

At the 5122nd meeting, on 15 February 2005, the President (Benin) made a statement on behalf of the Security Council,¹⁴⁴ by which the Council, inter alia:

Unequivocally condemned the terrorist bombing in Beirut on 14 February 2005 that killed former Prime Minister of Lebanon Rafiq Hariri and others, and caused serious injury to dozens of people, including former Minister Basil Fleihan;

Expressed its deepest sympathy and condolences to the people and Government of Lebanon and to the victims and their families;

Called upon the Government of Lebanon to bring to justice the perpetrators, organizers and sponsors of this heinous terrorist act; stated that it was gravely concerned by the murder of the former Prime Minister of Lebanon and its possible impact on ongoing efforts by the people of Lebanon to solidify Lebanon's democracy, and concerned by the potential for further destabilization of Lebanon;

¹⁴² S/PRST/2007/17.

¹⁴³ S/PRST/2007/46.

¹⁴⁴ S/PRST/2005/4.

Requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of the terrorist act.

**Decision of 7 April 2005 (5160th meeting):
resolution 1595 (2005)**

By a letter dated 24 March 2005,¹⁴⁵ the Secretary-General submitted to the Council the report of the fact-finding mission to Lebanon inquiring into the causes, circumstances and consequences of the assassination of the former Prime Minister, Rafiq Hariri.

The report of the fact-finding mission detailed the incident of 14 February 2005, when an explosion in downtown Beirut killed 20 persons, among them the former Prime Minister, and the subsequent investigation. The report stressed that while the specific “causes” of the assassination of Mr. Hariri could not be reliably asserted until the perpetrators of the crime were brought to justice, it was clear that the assassination had taken place in a political and security context marked by acute polarization around the Syrian influence in Lebanon and the failure of the Lebanese State to provide adequate protection for its citizens. In detailing the political background of the incident, the report noted that the Prime Minister had resigned following the extension of the term of the President of Lebanon by three years. The report also noted that it was widely believed that Mr. Hariri had “lent active support” to resolution 1559 (2004). By the end of January 2005, there was a “formidable power bloc emerging in Lebanon”, bringing together the representatives of almost all political and religious communities with the noted exception of the Shiite groups Amal and Hizbullah. This power bloc had seemed confident of winning a clear majority in the upcoming elections and of “its ability to force the Syrian Arab Republic to implement its outstanding commitment under the Taif Agreement and/or Security Council resolution 1559 (2004)”. Prime Minister Hariri had stood as the perceived architect of this power bloc. The mission concluded that the Lebanese security services and the Syrian military intelligence bore the primary responsibility for the lack of security, protection and law and order in Lebanon. However, the Government of the Syrian Arab Republic bore the primary responsibility for the political tension that preceded the assassination of the former Prime Minister. The review

¹⁴⁵ S/2005/203, submitted pursuant to the statement by the President of 15 February 2005 (S/PRST/2005/4).

of the investigation indicated that there was a distinct lack of commitment on the part of the Lebanese authorities to investigate the crime effectively and that the investigation had not been conducted in accordance with acceptable international standards. The mission also concluded that the restoration of the integrity and credibility of the Lebanese security apparatus was of vital importance to the security and stability of the country. Lastly, it was the view of the mission that international and regional support would be necessary to safeguard the national unity of the Government of Lebanon and to shield its fragile polity from unwarranted pressure. As a result, in his letter, the Secretary-General endorsed the conclusion of the mission that an independent investigation commission was needed to uncover the truth.

At its 5160th meeting, on 7 April 2005, the Council included the above-mentioned letter in its agenda. The President (China) drew the attention of the Council to a letter addressed to the Secretary-General dated 29 March 2005 from the representative of Lebanon,¹⁴⁶ approving of the decision of the Security Council to establish an international commission of inquiry into the assassination of Prime Minister Hariri; a letter addressed to the Secretary-General and the President of the Security Council from the representative of the Syrian Arab Republic,¹⁴⁷ declaring that the results of the report “departed from objectivity”; and a letter from the representatives of Lebanon and the Syrian Arab Republic addressed to the President of the Security Council,¹⁴⁸ affirming the determination of both States to widen further the path of cooperation and coordination between them. The President also drew the attention of the Council to a draft resolution submitted by Denmark, France, Greece, Japan, the Philippines, Romania, the United Kingdom and the United States.¹⁴⁹ The draft resolution was put to the vote and adopted unanimously and without debate as resolution 1595 (2005), by which the Council, inter alia:

Decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help to identify its perpetrators, sponsors and organizers and their accomplices;

¹⁴⁶ S/2005/208.

¹⁴⁷ S/2005/209.

¹⁴⁸ S/2005/219.

¹⁴⁹ S/2005/227.

Called upon the government of Lebanon to ensure that the findings and conclusions of the investigation by the Commission were taken into account fully;

Decided that the Commission should enjoy the full cooperation of the Lebanese authorities; have the authority to collect any additional information and evidence; enjoy freedom of movement throughout the Lebanese territory; and be provided with the facilities and staff necessary to perform its functions;

Requested the Secretary-General to consult urgently with the Government of Lebanon with a view to facilitating the establishment and operation of the Commission, and requested also that he report to the Council accordingly and notify it of the date on which the Commission began its full operations;

Also requested the Secretary-General to undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Commission;

Directed the Commission to determine procedures for carrying out its investigation;

Requested the Commission to complete its work within three months, authorized the Secretary-General to extend the operation of the Commission for a further period not exceeding three months, and requested that he inform the Security Council accordingly;

Requested the Commission to report to the Council on the conclusions of its investigation and requested the Secretary-General to update the Council orally on the progress of the Commission every two months during the operations of the Commission or more frequently as needed.

**Decision of 31 October 2005 (5297th meeting):
resolution 1636 (2005)**

At its 5292nd meeting, on 25 October 2005, the Council included in its agenda a letter dated 20 October 2005 from the Secretary-General, transmitting the first report of the International Independent Investigation Commission.¹⁵⁰ In its report the Commission noted that the terrorist attack of 14 February 2005 had been carried out by an extensive organization with considerable resources and that it had been planned over the course of several months. The Commission described a convergence of evidence which suggested that there was “both Lebanese and Syrian involvement” in this terrorist act. It noted that it was “a well-known fact” that the military intelligence of the Syrian Arab Republic had a pervasive presence in Lebanon at least until the withdrawal of the Syrian forces pursuant to resolution 1559 (2004), and that the former senior security officials of Lebanon had been their appointees.

¹⁵⁰ S/2005/662.

“Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem”, the Commission stated that “it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge”. The Commission concluded that many leads pointed directly towards the involvement of Syrian security officials and it noted that several interviewees of the Syrian Arab Republic had tried to deliberately mislead the investigation by issuing false statements. The Commission concluded that the continuing investigation needed to be carried forward by the appropriate Lebanese judicial and security authorities. The explosion of 14 February needed to be assessed clearly against the sequence of explosions which preceded and followed it, since there could be links between some, if not all, of them.

The Council also included in its agenda a letter dated 14 October 2005 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until December 2005.¹⁵¹ The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic.

In his briefing, the Commissioner reported that the Commission had become fully operational as from 16 June 2005. The Commissioner also enumerated various fact-finding missions, interviews, and raid and search operations which the Commission had conducted since its inception. He noted that the Commission had established close working links with the authorities of Lebanon and that arrangements had been made to facilitate the work and to give the Commission the backing it needed. However, he noted that the investigation could not be considered complete, and that it would be entirely normal for that type of case to take months or years to cover all aspects of the investigation with certitude and to prepare a case for prosecution.¹⁵²

The representative of Lebanon welcomed the establishment of the Commission and its progress. He called for the extension of its mandate to 15 December 2005. He called on all parties concerned to cooperate with the Commission.¹⁵³

¹⁵¹ S/2005/651.

¹⁵² S/PV.5292, pp. 2-4.

¹⁵³ *Ibid.*, pp. 4-5.

The representative of the Syrian Arab Republic condemned the assassination and noted that “every paragraph of the report deserve[d] a comment to refute its content”. He stated that the report was clearly influenced by the political climate prevailing in Lebanon, and he rejected the report’s suggestion that “[g]iven the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge”. The representative explained that this charge “could be levelled against the security service of any country in the world on whose territory a terrorist crime or act has taken place”. The representative also rejected those conclusions of the report that pointed a finger at the Syrian Arab Republic, because they depended completely “on the credibility of the testimony of people with strongly declared antipathy to Syria”. He stated that some of the testimonies contradicted each other and that the report accused the Syrian Arab Republic before the investigation had been completed. The representative also rejected the accusation contained in the report that the Syrian Arab Republic had not sufficiently cooperated with the investigation and he enumerated several instances in which his country had cooperated with the Commission. He said that the investigation should have procured evidence before it accused any Member State, but affirmed that the Syrian Arab Republic would continue to cooperate with the investigation.¹⁵⁴

At its 5297th meeting, on 31 October 2005, the Council again included in its agenda the letter dated 20 October 2005 from the Secretary-General.¹⁵⁵ The President (Romania) drew the attention of the Council to the above-mentioned letter dated 14 October 2005 from the representative of Lebanon, requesting an extension of the mandate of the Commission until December 2005.¹⁵⁶ A draft resolution, submitted by France, the United Kingdom and the United States,¹⁵⁷ was then put to the vote. It was adopted unanimously as resolution 1636 (2005), by which the Council, acting under Chapter VII of the Charter, inter alia:

Took note with extreme concern of the conclusion of the Commission that there was converging evidence pointing at the

involvement of both Lebanese and Syrian officials in this terrorist act;

Decided to establish a Committee of the Security Council consisting of all the members of the Council to undertake the tasks described in the annex to the resolution;

Welcomed the decision of the Secretary-General to extend the mandate of the Commission until 15 December 2005, as authorized by the Council in its resolution 1595 (2005), and decided that it would extend the mandate further if recommended by the Commission and requested by the Government of Lebanon;

Decided that the Syrian Arab Republic must detain those Syrian officials or individuals whom the Commission considered as suspected of involvement in the planning, sponsoring, organizing or perpetrating of the terrorist act, and make them fully available to the Commission; the Commission should have vis-à-vis the Syrian Arab Republic the same rights and authorities as mentioned in paragraph 3 of resolution 1595 (2005), and the Syrian Arab Republic must cooperate with the Commission fully and unconditionally on that basis; the Commission should have the authority to determine the location and modalities for interview of Syrian officials and individuals it deemed relevant to the inquiry;

Insisted that the Syrian Arab Republic not interfere in Lebanese domestic affairs, either directly or indirectly, refrain from any attempt aimed at destabilizing Lebanon, and respect scrupulously the sovereignty, territorial integrity, unity and political independence of that country.

After the vote, all members of the Council and the representatives of Lebanon and the Syrian Arab Republic made statements.¹⁵⁸ Most speakers expressed support for extending the mandate of the Commission for a period of six months and called for full cooperation with the Commission.

A number of speakers criticized the Syrian Arab Republic for not having cooperated in good faith with the Commission and called for full cooperation.¹⁵⁹ The representatives of France, the United Kingdom, the United States and Denmark emphasized the evidence

¹⁵⁴ Ibid., pp. 6-8.

¹⁵⁵ S/2005/662.

¹⁵⁶ S/2005/651.

¹⁵⁷ S/2005/684.

¹⁵⁸ At this meeting, Algeria, Brazil, China, Denmark, France, Greece, Romania, the Russian Federation and the Syrian Arab Republic were represented by their respective Ministers for Foreign Affairs; the United Kingdom by the Secretary of State for Foreign and Commonwealth Affairs; the United States by the Secretary of State; the Philippines by the Secretary for Foreign Affairs; and Lebanon by the Acting Secretary-General of the Lebanese Ministry of Foreign Affairs and Emigrants.

¹⁵⁹ S/PV.5297, p. 3 (France); p. 4 (United Kingdom); pp. 4-5 (United States); p. 9 (Denmark); p. 10 (Philippines); p. 14 (United Republic of Tanzania); and pp. 14-15 (Romania).

which pointed to the involvement of Lebanese and Syrian officials in the terrorist attack against the former Prime Minister of Lebanon on 14 February 2005. They noted that it was difficult to envisage a scenario whereby a complex assassination plot could have been carried out without the knowledge of senior officials of the Syrian Arab Republic.¹⁶⁰ The representative of the United Kingdom stressed that, if the Syrian Arab Republic failed to cooperate fully, his delegation would consider further actions to ensure that the Council, through the Commission, could play its part in the determination of the Government of Lebanon to see justice done.¹⁶¹ The representative of the United States made it clear that the failure to comply with the demands of the Commission would lead to “serious consequences” for the Syrian Arab Republic. She also maintained that the Syrian Arab Republic had isolated itself from the international community through “its false statements, its support for terrorism, its interference in the affairs of its neighbours and its destabilizing behaviour in the Middle East”. She said that the Government of the Syrian Arab Republic needed to make a strategic decision to fundamentally change its behaviour.¹⁶²

Several speakers emphasized that the Commission’s report was not complete and that the Syrian Arab Republic should be given a presumption of innocence, and welcomed the stated willingness of the Syrian Arab Republic to cooperate with the Commission.¹⁶³ The representatives of Algeria, Brazil, China and the Russian Federation also stressed the fact that the resolution neither implied nor authorized the application of measures or sanctions against the Syrian Arab Republic in the absence of a collective decision by the Council.¹⁶⁴

The representative of the Russian Federation recalled that the initial version of the draft resolution had provided for an unprecedented procedure that would have automatically imposed sanctions against suspects purely at the discretion of the Commission. He noted that this “very dangerous precedent had been

avoided”.¹⁶⁵ The representative of Algeria maintained that the Council had still given the Commission “excessive power in terms of the letter and spirit of resolution 1595 (2005)”, since the Commission had the ability to submit directly to the Council the names of suspects with a view to imposing sanctions on them or even of deciding on the venue and modalities for the interrogation of Syrian or other officials.¹⁶⁶

The representative of Lebanon welcomed the progress of the Commission in uncovering the truth regarding the Hariri assassination and called on all concerned parties to cooperate seriously with the Commission so that justice could take its proper course.¹⁶⁷

The representative of the Syrian Arab Republic criticized the report of the Commission on the basis that it proceeded from the presumption that the Syrian Arab Republic was guilty of committing the crime, rather than the presumption of innocence. Responding to the accusation that the Syrian Arab Republic had cooperated in form but not in substance, he asserted that while his Government had acted in good faith, the Commission had not, and there had been an intention to point “a finger of accusation” to pave the way for the resolution adopted under Chapter VII. He cited evidence of the cooperation of the Syrian Arab Republic with the Commission, such as the legislative decree No. 96 of 29 October 2005 which had created a special judicial commission to cooperate with the Commission, as well as the judicial authorities of Lebanon, in all matters pertaining to the investigation. He stated that the objective of the resolution was not to uncover the truth behind the assassination, but rather to target the Syrian Arab Republic and its positions vis-à-vis issues that affected the present and future of the region.¹⁶⁸

**Decision of 15 December 2005 (5329th meeting):
resolution 1644 (2005)**

At its 5323rd meeting, on 13 December 2005, the Council included in its agenda a letter dated 12 December 2005 from the Secretary-General addressed to the President of the Council, transmitting the second report of the International Independent

¹⁶⁰ Ibid., p. 3 (France); p. 4 (United Kingdom); pp. 4-5 (United States); and pp. 8-9 (Denmark).

¹⁶¹ Ibid., p. 4.

¹⁶² Ibid., pp. 4-5.

¹⁶³ Ibid., p. 6 (Algeria); p. 7 (Brazil); p. 8 (China); p. 11 (Russian Federation); and p. 13 (Japan).

¹⁶⁴ Ibid., p. 6 (Algeria); p. 7 (Brazil); p. 8 (China); and p. 11 (Russian Federation).

¹⁶⁵ Ibid., p. 11.

¹⁶⁶ Ibid., p. 6.

¹⁶⁷ Ibid., pp. 15-16.

¹⁶⁸ Ibid., pp. 16-19.

Investigation Commission.¹⁶⁹ In the report, the Commissioner observed, *inter alia*, that conclusions set out in the previous report remained valid and that the investigations during the reporting period had reinforced those conclusions. He maintained the view that there were a number of personal and political motives for the assassination of Mr. Hariri and recommended an extension of the Commission for a minimum period of six months.

The Commissioner and the representatives of Lebanon and the Syrian Arab Republic made statements to the Council. The Commissioner explained that the investigation had been conducted on two tracks, one Lebanese and one Syrian. He welcomed the degree of cooperation received by the Commission from Lebanese authorities but stressed that cooperation from the Syrian Arab Republic had been marked by conflicting signals.¹⁷⁰

The representative of Lebanon welcomed the work of the Commission and requested an extension of its mandate. He also noted that international precedents had shown that the best way to judge those involved in serious crimes of this nature was to establish an international tribunal so that justice could be delivered through fair trials free of pressure and obstacles. Therefore, in accordance with paragraph 14 of resolution 1636 (2005), by which the Council expressed its readiness to consider any additional request for assistance from the Government of Lebanon, his delegation had asked the Council to establish an international tribunal, which could have its seat either in or outside Lebanon, and which would try all those who were involved in the crime. Noting that a Member of Parliament, Gebrane Tueni, had been killed in a terrorist attack on the previous day, he called attention to the fact that his Government had requested the Council to either extend the mandate of the Commission or establish another international investigation commission to help the authorities in the investigation of all other assassinations of political and media figures in Lebanon, starting with the attempted assassination of Marwan Hamadeh on 1 October 2004.¹⁷¹

The representative of the Syrian Arab Republic reiterated his condemnation of the series of bombings, which in his view were aimed at destabilizing Lebanon

and creating tensions between Lebanon and the Syrian Arab Republic, as part of a broader plan to destabilize the region. He reiterated that the Syrian Arab Republic would continue to cooperate with the Commission, although he complained that the Commission had violated the principle of confidentiality by leaking reports to the media. He also disagreed with the “imprecise statements” in the Commission’s report, specifically the ones which referred to the reluctance of the Syrian Arab Republic to fully cooperate with the Commission. He cited several examples of cooperation and reiterated that the conclusions of the report were suspect because they were based on the presumption of guilt and made prejudged accusations. He also called attention to several irregularities in the investigation, including witnesses who had subsequently changed their testimony.¹⁷²

At its 5329th meeting, on 15 December 2005, at which the representatives of Algeria, China and the Russian Federation, and those of Lebanon and the Syrian Arab Republic, made statements, the Council again included in its agenda the letter dated 12 December 2005 from the Secretary-General, transmitting the second report of the Commission.¹⁷³ The President (United Kingdom) drew the attention of the Council to two letters, dated 5 December and 13 December 2005, addressed to the Secretary-General by the representative of Lebanon;¹⁷⁴ in the former letter Lebanon requested an extension of the mandate of the Commission for a further period of six months, and in the latter requested the Council to establish an international tribunal to try all those responsible for the assassination of Rafiq Hariri. A draft resolution submitted by France, the United Kingdom and the United States¹⁷⁵ was put to the vote; it was adopted unanimously as resolution 1644 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided, as recommended by the Commission and requested by the Government of Lebanon, to extend the mandate of the Commission, as set forth in resolutions 1595 (2005) and 1636 (2005), initially until 15 June 2006;

Requested the Commission to report to the Council on the progress of the inquiry every three months from the adoption of the resolution, including on the cooperation received from the

¹⁶⁹ S/2005/775.

¹⁷⁰ S/PV.5323, pp. 2-3.

¹⁷¹ *Ibid.*, pp. 3-4.

¹⁷² *Ibid.*, pp. 4-6.

¹⁷³ S/2005/775.

¹⁷⁴ S/2005/762 and S/2005/783.

¹⁷⁵ S/2005/788.

Syrian authorities, or anytime before that date if the Commission deemed that such cooperation did not meet the requirements of the resolution and of resolutions 1595 (2005) and 1636 (2005);

Authorized the Commission, following the request of the Government of Lebanon, to extend its technical assistance, as appropriate, to the Lebanese authorities with regard to their investigations of the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General, in consultation with the Commission and the Government of Lebanon, to present recommendations to expand the mandate of the Commission to include investigations of those other attacks;

Requested the Secretary-General to continue to provide the Commission with the support and resources necessary for the discharge of its duties.

Speaking after the vote, the representative of Algeria emphasized that the conclusions of the second report of the Commission were not final and that they needed to be corroborated, and consideration of the report needed to be free from any influence that could harm one party or another. Nonetheless, he explained that he had voted for an extension of the mandate because it was directly requested by the Government of Lebanon. He also noted that his delegation had obtained assurances that the Council would refrain from any premature or inappropriate action.¹⁷⁶ The representative of China stressed that the work of the Commission was not completed and that much remained to be done. He said that the main purpose of resolution 1644 (2005) was to extend the mandate of the Commission.¹⁷⁷ The representative of the Russian Federation stated that he had proposed an amendment to the draft resolution which made it more balanced in nature and that the Russian Federation would continue to oppose placing unwarranted pressure on Damascus, as well as interpretations with respect to the degree and nature of cooperation from the Syrian Arab Republic that were not in keeping with the conclusions of the Commission.¹⁷⁸

The representative of Lebanon welcomed the unanimous adoption of the resolution.¹⁷⁹ The representative of the Syrian Arab Republic reiterated his position that certain States had unwarrantedly insisted that the Syrian Arab Republic had not cooperated with the Commission. The representative reaffirmed the commitment of the Syrian Arab

Republic to the Commission and stated that the Syrian Arab Republic had discharged its responsibilities in “a spirit of sincerity”.¹⁸⁰

**Decision of 29 March 2006 (5401st meeting):
resolution 1664 (2006)**

At its 5388th meeting, held on 16 March 2006, the Council included in its agenda a letter dated 14 March 2006 from the Secretary-General, transmitting the third report of the International Independent Investigation Commission.¹⁸¹ In its report, the Commission observed, *inter alia*, that significant progress had been made during the reporting period regarding the circumstances of the attack and that a significant number of new lines of enquiry had been established. It also described the cooperation from the Government of Lebanon as excellent and specified the groundwork for improved cooperation with the Government of the Syrian Arab Republic.

The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the progress of the Commission and noted several systematic improvements in the investigation. He explained that a balance needed to be reached between the need to provide transparency and the need to protect confidentiality in the investigation, and he stressed that improved and timely cooperation from the Syrian Arab Republic was a critical factor for the Commission to continue its work successfully.¹⁸²

The representative of Lebanon reiterated his appreciation for the work of the Commission and reaffirmed the commitment of Lebanon to establishing the truth about the assassination. He also noted that all Lebanese “agree to and demand the establishment of an international tribunal to try all those involved in that terrorist crime”.¹⁸³

The representative of the Syrian Arab Republic reiterated his assurances that his country would continue to cooperate with the Commission, and that “the most dangerous thing” that the investigation was faced with was the fact that some parties had “encroached upon the investigation with a view to reaching preconceived,

¹⁷⁶ S/PV.5329, pp. 2-3.

¹⁷⁷ *Ibid.*, p. 3.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*, p. 4.

¹⁸⁰ *Ibid.*

¹⁸¹ S/2006/161, submitted pursuant to resolutions 1595 (2005), 1636 (2005) and 1644 (2005).

¹⁸² S/PV.5388, pp. 2-4.

¹⁸³ *Ibid.*, pp. 4-5.

unsubstantiated evidence”. He also argued that it had become clear that a number of witnesses before the Commission had made false allegations in order to mislead the investigation and to lead it to conclusions based on “known political biases”. However, he expressed satisfaction with how the confidentiality of the investigation had been handled.¹⁸⁴

At its 5401st meeting, on 29 March 2006, the Council included in its agenda the report of the Secretary-General dated 21 March 2006.¹⁸⁵ The President (Argentina) drew the attention of the Council to a draft resolution submitted by France, the United Kingdom and the United States;¹⁸⁶ it was then put to the vote and adopted unanimously as resolution 1664 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice;

Acknowledged that the adoption of the legal basis of, and framework for, the tribunal, would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which would depend on the progress of the investigation;

Requested the Secretary-General to update the Council on the progress of the negotiation as he deemed appropriate and to submit in a timely manner for the consideration of the Council a report on the implementation of the resolution, in particular on the draft agreement negotiated with the Government of Lebanon, including options for a funding mechanism appropriate to ensure the continued and effective functioning of the tribunal;

Decided to remain seized of the matter.

After the vote, the representative of Lebanon welcomed the resolution since it gave the Secretary-General a mandate to begin negotiations with Lebanon regarding the establishment of an international tribunal. He described the resolution as a clear indication of the international community’s strong commitment and determination to punish all those involved in the terrorist crime, and he noted that it would have a positive effect on deterring criminals and in promoting stability in Lebanon and the region.¹⁸⁷

Decision of 15 June 2006 (5461st meeting): resolution 1686 (2006)

At its 5458th meeting, on 14 June 2006, the Council included in its agenda a letter dated 10 June 2006 from the Secretary-General addressed to the President of the Council, transmitting the fourth report of the International Independent Investigation Commission.¹⁸⁸ The President (Denmark) drew the attention of the Council to a letter dated 5 May 2006 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until June 2007.¹⁸⁹ In its report, the Commission observed, *inter alia*, that considerable progress had been achieved regarding the crime scene and the former Prime Minister’s convoy. The Commission also stated that matters related to the explosion, the container/carrier and the means of delivery were largely understood and that final conclusions pending forensic analyses were anticipated soon. The Commission had made progress and consolidated its organizational structure and capacity, but it still faced some challenges such as linking all the cases together and securing adequate resources. The Commission welcomed the initiative of the Government of Lebanon to recommend the extension of its mandate for one year, and also thanked the Government of Lebanon for its continuous substantive and logistical support.

The Council heard a briefing by the Commissioner, as well as statements by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the report and detailed the progress that had been made in the investigation of the assassination. Based on the available evidence, he explained that the Commission had reached the following conclusions: that one above-ground explosion happened on 14 February 2005 at precisely 12.55 p.m.; that a large improvised explosive device, placed in a Mitsubishi truck, had been detonated as the Hariri convoy passed by; and that the detonation of the device was most likely initiated by an individual within or immediately in front of the Mitsubishi. The magnitude of the explosion, and the amount of TNT used (a minimum of 1,200 kg of TNT equivalent), elevated the attack to an almost “guaranteed” level: the magnitude of the explosion was

¹⁸⁴ *Ibid.*, pp. 5-6.

¹⁸⁵ S/2006/176, submitted pursuant to paragraph 6 of resolution 1644 (2005).

¹⁸⁶ S/2006/186.

¹⁸⁷ S/PV.5401, p. 2.

¹⁸⁸ S/2006/375.

¹⁸⁹ S/2006/278.

designed to ensure the success of the operation even if the Hariri vehicle was not directly hit. The Commission had also adopted two working hypotheses: either that the attack was planned and executed in a compartmentalized manner, in which different people were responsible for the different stages of the attack (the planning, the reconnaissance, the acquisition of the Mitsubishi truck, etc.), or that the entire operation was planned and executed by a relatively small single team. The Commissioner also described the amount of assistance provided by the Syrian Arab Republic as “satisfactory”. He stated that the Syrian Arab Republic had responded to all of the Commission’s requests, and that it had done so in a timely manner. He described the Commission’s interactions with the authorities of Lebanon as excellent at all levels and stated that the modalities and circumstances of the attack were now largely understood.¹⁹⁰

The representative of Lebanon reiterated the request of his Government to extend the mandate of the Commission for an additional year and welcomed the Council’s close interest in matters that affected Lebanon. He also noted the ongoing consultations with the United Nations Secretariat on drafting the basic statute of an international court.¹⁹¹

The representative of the Syrian Arab Republic welcomed the objectivity of the report and stressed that the cooperation of the Syrian Arab Republic with the Commission was based on its eagerness to uncover the truth about the assassination. He reiterated the assertion that the greatest threat to the investigation was the attempt by certain parties to exploit the findings of the Commission for purposes which were far removed from those for which the Commission was established. The Syrian Arab Republic welcomed the conclusion of the report that its cooperation with the Commission had been timely, comprehensive, and generally satisfactory. He also agreed with the importance of adequate time to complete the investigations and gather all the necessary solid evidence and proof before moving on to the next step.¹⁹²

At its 5461st meeting, on 15 June 2006, the Council again included in its agenda the letter dated 10 June 2006 from the Secretary-General transmitting the fourth report of the Commission. The President

¹⁹⁰ S/PV.5458, pp. 2-5.

¹⁹¹ *Ibid.*, pp. 5-6.

¹⁹² *Ibid.*, pp. 6-7.

(Denmark) again drew the attention of the Council to the letter dated 5 May 2006 from the representative of Lebanon addressed to the Secretary-General requesting an extension of the mandate of the Commission until mid-June 2007.¹⁹³ The President also drew the attention of the Council to a draft resolution;¹⁹⁴ it was put to the vote and adopted unanimously and without debate as resolution 1686 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of the Commission until 15 June 2007;

Supported the intention of the Commission to extend further its technical assistance to the Lebanese authorities with regard to their investigations into the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requested the Secretary-General to provide the Commission with the support and resources needed in that regard;

Requested the Commission to continue to report to the Council on the progress of the investigation on a quarterly basis, or at any other time as it deemed appropriate;

Decided to remain seized of the matter.

Decision of 21 November 2006 (5569th meeting): statement by the President

At its 5539th meeting, on 29 September 2006, the Council included in its agenda a letter dated 25 September 2006 from the Secretary-General transmitting the fifth report of the International Independent Investigation Commission.¹⁹⁵ In its report, the Commission observed, *inter alia*, that despite the fact that the reporting period had been marked by conflict in Lebanon,¹⁹⁶ during which the Commission’s international personnel had been required to temporarily leave Lebanon and relocate to Cyprus, it had made progress in its investigation. Forensic evidence collected at the scene of the crime enabled the Commission to corroborate previous findings that the person who detonated the improvised explosive device was in his early twenties and his dental records suggested that his origins were outside of Lebanon. The Commission once again welcomed the cooperation of the Governments of Lebanon and the Syrian Arab Republic in the investigation.

¹⁹³ S/2006/278.

¹⁹⁴ S/2006/392.

¹⁹⁵ S/2006/760.

¹⁹⁶ For more information see section 33.B of the present chapter, relating to UNIFIL and resolution 1701 (2006).

The Council heard a briefing by the Commissioner and statements by the representatives of Lebanon and the Syrian Arab Republic.

In his briefing, the Commissioner explained that the investigation had progressed in three primary areas, namely, forensic investigation, communication analysis and the conduct of interviews. He also noted that the cooperation of Lebanon with the Commission was outstanding and that the cooperation of the Syrian Arab Republic with the Commission continued to be timely, efficient and generally satisfactory in the reporting period.¹⁹⁷

The representative of Lebanon welcomed the progress of the investigation and explained that the Government of Lebanon, in cooperation with the Under-Secretary-General for Legal Affairs and his assistants, was working to set up a court of an international character, and she noted that the idea of such a court enjoyed “firm and wide unanimity in Lebanon”.¹⁹⁸

The representative of the Syrian Arab Republic recapitulated the report’s conclusion that his Government had continued to cooperate with the Commission in an effective manner on all levels during the reporting period. He also reiterated the concern of the Syrian Arab Republic that the investigation was being used by some third parties for purposes other than those intended by the Commission, such as to apply pressure on his country. He enumerated many instances in which the Syrian Arab Republic had cooperated with the Commission, including, inter alia, the ad hoc judicial commission established to oversee cooperation and coordination with the Commission and the timely response to requests for interviews and documents.¹⁹⁹

At the 5569th meeting, on 21 November 2006, in which the representative of Lebanon was invited to participate, the President (Peru) made a statement on behalf of the Council,²⁰⁰ by which the Council, inter alia:

Unequivocally condemned the assassination in Beirut on 21 November 2006 of Minister for Industry Pierre Gemayel, a patriot who was a symbol of freedom and of the political independence of Lebanon;

Condemned any attempt to destabilize Lebanon through political assassination or other terrorist acts;

Called upon all parties in Lebanon and the region to show restraint and a sense of responsibility with a view to preventing any further deterioration of the situation in Lebanon;

Urged all States, in accordance with its resolutions 1373 (2001), 1566 (2004) and 1624 (2005), to cooperate fully in the fight against terrorism;

Welcomed the determination and commitment of the Government of Lebanon to bring to justice the perpetrators, organizers and sponsors of this and other assassinations and underlined its determination to support the Government of Lebanon in its efforts to that end.

**Decision of 27 March 2007 (5648th meeting):
resolution 1748 (2007)**

At its 5597th meeting, on 18 December 2006, the Council included in its agenda a letter dated 12 December 2006 from the Secretary-General addressed to the President of the Security Council, transmitting the sixth report of the International Independent Investigation Commission.²⁰¹ In its report, the Commission observed, inter alia, that during the reporting period it had returned to Lebanon after have been temporarily relocated to Cyprus from 22 July to 13 October 2006 for security reasons, and that it had operated in a volatile political environment marked by the assassination on 21 November of Cabinet member Pierre Gemayel. During the reporting period, the Commission developed crime scene evidence, investigated potential perpetrators, and collected evidence related to the linkage and contextual aspects of the case. The Commission had also extended technical assistance to the authorities of Lebanon regarding the Gemayel case.

The Council heard a briefing by the Commissioner, following which statements were made by the representatives of Lebanon and the Syrian Arab Republic. The Commissioner elaborated on the report and noted that there had been large demonstrations following the assassination of Mr. Gemayel and that the complex political discourse surrounding the establishment of a special tribunal for Lebanon was ongoing. The Commissioner reiterated that the investigation into the Hariri case had remained focused on developing crime scene evidence and investigating potential perpetrators and their linkages to one another.

²⁰¹ S/2006/962.

¹⁹⁷ S/PV.5539, pp. 2-4.

¹⁹⁸ Ibid., p. 4.

¹⁹⁹ Ibid., pp. 5-6.

²⁰⁰ S/PRST/2006/46.

The Commissioner welcomed the cooperation received from the Government of Lebanon and noted that the Commission had started investigating the assassination of Mr. Gemayel and was considering possible links between that and other cases. The Commissioner also welcomed the cooperation received from the Syrian Arab Republic, which he described as timely, efficient and generally satisfactory. He noted that although most States that had been requested to cooperate with the Commission had responded positively, some States had provided late or incomplete responses which had impeded or slowed down the work of the Commission on several fronts. He trusted that the Commission would receive full and prompt cooperation from all States during the next period.²⁰²

The representative of Lebanon expressed full confidence in the work of the Commission and offered all necessary assistance to the investigation as it reached the important milestone of unmasking the perpetrators of the crimes and bringing them to justice before an international court. She noted that the draft statute of such a court had been drawn up.²⁰³

The representative of the Syrian Arab Republic emphasized the positive information contained in the report concerning the ongoing efforts by the Syrian Arab Republic to meet its commitments and cooperate with the Commission. He once again reiterated that the cooperation of his country stemmed from a desire to uncover the truth about the assassination and he warned of efforts on behalf of third parties to politicize conclusions that were entirely unrelated to the investigation. He also asked which 10 Member States had not fully complied with the requests of the Commission and called on them to cooperate fully with the Commission.²⁰⁴

At its 5642nd meeting, on 21 March 2007, the Council included in its agenda a letter dated 15 March 2007 from the Secretary-General transmitting the seventh report of the International Independent Investigation Commission.²⁰⁵ The President (South Africa) drew the attention of the Council to a letter dated 20 March 2007 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until

June 2008.²⁰⁶ In its report, the Commission observed, *inter alia*, that it had remained focused on its primary objective in the investigation of the Hariri case, as well as providing technical assistance to the authorities of Lebanon in the investigation of 16 other cases, including the assassination of Pierre Gemayel. The Commission had made progress in collecting new evidence, in expanding the forms of evidence collected and in establishing that the motive behind the crime was related to Mr. Hariri's political activities. The Commissioner described the situation in Lebanon as unstable and welcomed the request of the Government of Lebanon to extend the Commission for a period of one year.

Statements were made by the Commissioner and the representative of Lebanon. The Commissioner elaborated on the report and emphasized the significant progress that had been made in several areas by further developing crime-scene leads, expanding the forms of evidence relating to the perpetrators and in building the linkage and context aspects of the case. The Commission had continued to provide support for the authorities of Lebanon regarding the Gemayel assassination by conducting interviews, analysing witness statements, performing forensic work, conducting communications analysis, reconstructing crime scene events and conducting ballistic analysis. The Commissioner also welcomed the productive cooperation of Lebanon and described the cooperation with the Syrian Arab Republic as generally satisfactory. He noted that, in its previous report, the Commission had reported that the responses to requests from 10 Member States were overdue, but those 10 requests had been followed up on and almost all outstanding matters had been resolved to the Commission's satisfaction.²⁰⁷

The representative of Lebanon recalled that in the two-year period since the assassination of Rafiq Hariri, political killings, assassinations, and terrorist attacks in Lebanon had continued, which had only strengthened the resolve of the people of Lebanon to find out the truth and ensure that justice was done. She welcomed the progress of the Commission and requested that the mandate of the Commission be extended for one year.²⁰⁸

²⁰² S/PV.5597, pp. 2-4.

²⁰³ *Ibid.*, pp. 4-5.

²⁰⁴ *Ibid.*, pp. 5-6.

²⁰⁵ S/2007/150.

²⁰⁶ S/2007/159.

²⁰⁷ S/PV.5642, pp. 2-4.

²⁰⁸ *Ibid.*, p. 5.

At its 5648th meeting, on 27 March 2007, the Council again included in its agenda the letter dated 15 March 2007 transmitting the seventh report of the Commission.²⁰⁹ The President (South Africa) drew the attention of the Council to a letter dated 20 March 2007 from the representative of Lebanon addressed to the Secretary-General, requesting an extension of the mandate of the Commission until June 2008.²¹⁰ The President also drew the attention of the Council to a draft resolution;²¹¹ it was put to the vote and adopted unanimously and without debate as resolution 1748 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of the Commission until 15 June 2008, and declared its readiness to terminate the mandate earlier if the Commission reported that it had completed the implementation of its mandate;

Requested the Commission to continue to report to the Council on the progress of the investigation every four months, or at any other time as it deemed appropriate.

**Decision of 30 May 2007 (5685th meeting):
resolution 1757 (2007)**

At the 5685th meeting, on 30 May 2007, the President (United States) drew the attention of the Council to two letters dated 15 May and 16 May 2007, respectively, addressed to the President of the Council by the Secretary-General,²¹² and to a draft resolution submitted by Belgium, France, Italy, Slovakia, the United Kingdom and the United States.²¹³

The former letter transmitted a letter dated 14 May 2007 from the Prime Minister of Lebanon stating that the impasse regarding the establishment of a tribunal in Lebanon had been caused by the refusal of the Speaker of Parliament to convene a session of parliament to formally ratify the statute of the Tribunal and the bilateral agreement with the United Nations even though a parliamentary majority had demonstrated support for the Tribunal. The Prime Minister said that for all practical purposes the domestic route to ratification had reached a dead end and that despite the stated support of the opposition for the establishment of a Tribunal, the opposition had declined to discuss any of their reservations on the agreed statute. He stressed that, therefore, the Government of Lebanon

was requesting, as a matter of urgency, the Security Council to put the Special Tribunal into effect. He noted that a binding decision regarding the Tribunal on the part of the Council would be consistent with the importance that the United Nations had attached to that matter from the outset, and that further delays in setting up the Tribunal would be detrimental to the stability of Lebanon and peace and security in the region.²¹⁴

The latter letter transmitted a letter dated 15 May 2007 from the President of Lebanon that referred to the letter from the Prime Minister of Lebanon and expressed regret that he had resorted to falsifications and distortions of the facts in order to implicate the Security Council in action “alien to its objectives” and that the Prime Minister was endeavouring to secure “support for one Lebanese group over the other”. The President explained that, while he had been the first to ask for an international investigation, the Tribunal had not been approved in accordance with the provisions of the Constitution for approval of international treaties, including the provision that the President of the Republic had the sole authority to submit draft laws to Parliament. He added that the current Government had lost its legitimacy under the National Pact and the Constitution when a “significant sectarian bloc” had withdrawn from it. He stressed that the approval of the Tribunal directly by the Security Council would constitute “a transgression of the constitutional mechanism” and would result in “dire consequences for the stability and civil peace” of Lebanon.²¹⁵

Most members of the Council and the representative of Lebanon made statements at the meeting.²¹⁶

The representative of Qatar stated that, while his delegation supported the establishment of the Special Tribunal, the draft resolution before the Council entailed “legal encroachments”. He maintained that his delegation had been willing to consider the draft resolution but the insistence of the sponsors on submitting the draft resolution under Chapter VII of the Charter, despite the binding nature of all Council

²¹⁴ S/2007/281, annex.

²¹⁵ S/2007/286, annex.

²¹⁶ The representatives of Ghana, Panama and the Congo did not make statements.

²⁰⁹ S/2007/150.

²¹⁰ S/2007/159.

²¹¹ S/2007/171.

²¹² S/2007/281 and S/2007/286.

²¹³ S/2007/315.

resolutions under Article 25,²¹⁷ went beyond the designated aim of endorsing the establishment of the Tribunal and could threaten stability in the country.²¹⁸

The representative of Indonesia explained his decision to abstain on the grounds that although the draft resolution had been based on a request of the Government of Lebanon, the Council needed to take into consideration that there was no unified voice among the leaders of Lebanon. He also argued that the draft resolution as it stood would bypass the constitutional procedures and national processes of Lebanon and that pursuant to Article 2 (7) of the Charter, the Council had no legal grounds to take over an issue that was essentially domestic in nature.²¹⁹ He stressed that forceful interference in the national constitutional process would not serve the greater interests of the people of Lebanon.²²⁰

The representative of South Africa expressed hope that the Lebanese parties could use the period specified in the draft resolution to voluntarily come to an agreement on the establishment of a tribunal rather than have it imposed on them by the Council. However, he said that it was not appropriate for the Council to impose this decision on Lebanon, especially under Chapter VII of the Charter, because it would bypass the procedures required by the Constitution of Lebanon, and thus disregard the need to respect the sovereignty of Lebanon. He also noted that the Council should not be seen as taking sides in the internal politics of Lebanon and that a decision to impose the Tribunal without the consent of all the parties concerned would detrimentally affect the political stability of Lebanon. He also warned of the precedent that the draft resolution would set.²²¹

The representative of China stressed that only if the Special Tribunal enjoyed universal support among all Lebanese factions could it genuinely play a role in contributing to the achievement of justice and the maintenance of peace and stability. He declared that the establishment of the Tribunal was, in essence, an internal affair of Lebanon. He was concerned with

invoking Chapter VII of the Charter because it overrode the legislative organs of Lebanon by arbitrarily deciding on the date of the entry into force of the draft resolution. He also warned that the draft resolution would create a precedent of Security Council interference in the domestic and legislative independence of a sovereign State.²²²

The representative of the Russian Federation described the draft resolution as legally dubious since the treaty between the two entities — Lebanon and the United Nations — by definition could not enter into force on the basis of a decision by only one party. He stated that the reference to Chapter VII of the Charter was unwarranted and that the draft resolution represented an encroachment upon the sovereignty of Lebanon. He noted that Chapter VII had been invoked only for the International Tribunals for the Former Yugoslavia and Rwanda, which dealt with crimes of genocide and war crimes, which were international crimes. The jurisdiction of the Special Tribunal for Lebanon would not cover such crimes as it was a mixed body with the participation of the Government that operated on the basis of applicable criminal procedures in Lebanon. Stressing that the views of all the people of Lebanon needed to be heard, he maintained that it would have been justifiable to also have a reference to the letter from the President of Lebanon, in addition to the one from the Prime Minister.²²³

The President (South Africa) then put the draft resolution to the vote; it was adopted by 10 votes to none with 5 abstentions (China, Indonesia, Qatar, Russian Federation, South Africa) as resolution 1757 (2007), by which the Council, *inter alia*:

Decided, acting under Chapter VII of the Charter of United Nations, that the provisions of the annexed document, including its attachment, on the establishment of a Special Tribunal for Lebanon should enter into force on 10 June 2007, unless the Government of Lebanon had provided notification under article 19 (1) of the annexed document before that date;

The location of the seat of the Tribunal should be determined in consultation with the Government of Lebanon and be subject to the conclusion of a headquarters agreement between the United Nations and the State that hosted the Tribunal;

Requested the Secretary-General, in coordination, when appropriate, with the Government of Lebanon, to take the steps and measures necessary to establish the Special Tribunal in a

²¹⁷ For more information on Article 25 of the Charter, see chap. XII, part II.

²¹⁸ S/PV.5685, pp. 2-3.

²¹⁹ For more information on the discussion of this meeting relating to Article 2 (7) of the Charter, see chap. XII, part I.D.

²²⁰ S/PV.5685, p. 3.

²²¹ *Ibid.*, pp. 3-4.

²²² *Ibid.*, pp. 4-5.

²²³ *Ibid.*, p. 5.

timely manner and to report to the Council within 90 days and thereafter periodically on the implementation of the resolution.

Speaking after the vote, the representative of France welcomed the adoption of the resolution, which he noted was in response to a request of the Government of Lebanon and would enter into force on 10 June 2007, unless an internal solution to the impasse was found. He also explained that the resolution was an important decision for three reasons: for justice, peace, and the credibility of the Security Council. He maintained that the Council could take pride in not having resigned itself to the ongoing impasse.²²⁴

The representative of the United Kingdom described the resolution as a considered response by the Council, properly taken, to a request of the Government of Lebanon for action to overcome a continuing impasse in the internal procedures of Lebanon. He said that the resolution was adopted under Chapter VII of the Charter in order to make it binding and the use of Chapter VII carried no other connotation.²²⁵

The representative of Peru described the resolution as the only way to overcome the legislative impasse regarding the establishment of the Tribunal in Lebanon. He expressed a hope that the parties in Lebanon would find an internal solution before the resolution came into effect, and stressed that the resolution should not constitute a precedent beyond this particular case.²²⁶

The representative of the United States said that by the adoption of the resolution the Security Council demonstrated its commitment to justice, to ending impunity and to deterring future political assassinations. It would have been preferable for the parties in Lebanon to ratify the agreement on the Tribunal and the statute themselves, but all possible means had been tried to convince the Speaker of Parliament to fulfil his constitutional responsibility to convene parliament so that final action on the Tribunal could be taken, to no avail.²²⁷

The representatives of Belgium, Italy and Slovakia expressed their support for resolution 1757 (2007).²²⁸

The representative of Lebanon, welcoming the resolution, thanked both the States that voted for the resolution and those that had abstained, as everyone had reaffirmed the commitment to the importance of the principle of justice and to preventing the undermining of the freedom and sovereignty of Lebanon. He reiterated that every opportunity had been taken to adopt the Tribunal in accordance with the provisions of the Constitution of Lebanon, but Parliament had been unable to meet to discuss the establishment of the Tribunal, despite majority support. He stressed that the resolution did not reflect “the victory of one party over another”, but would help to strengthen the rule of law and bolster democracy and act as a deterrent to terrorist activities.²²⁹

Decision of 13 June 2007 (5694th meeting): statement by the President

At the 5694th meeting, on 13 June 2007, the President (Belgium) made a statement on behalf of the Council,²³⁰ by which the Council, *inter alia*:

Unequivocally condemned the terrorist attack in Beirut on 13 June 2007 which killed at least nine people including Member of Parliament Walid Eido, and injured several others;

Condemned any attempt to destabilize Lebanon, including through political assassination or other terrorist acts;

Called upon all parties in Lebanon and the region to show restraint and a sense of responsibility with a view to preventing any further deterioration of the situation in Lebanon;

Urged all States, in accordance with its resolutions 1373 (2001), 1566 (2004) and 1624 (2005), to cooperate fully in the fight against terrorism;

Requested the Secretary-General to continue to follow closely and report regularly to the Council on the situation in Lebanon.

Deliberations of 19 July 2007 (5719th meeting)

At its 5719th meeting, on 19 July 2007, the Council included in its agenda a letter dated 12 July 2007 from the Secretary-General addressed to the President of the Council transmitting the eighth report of the International Independent Investigation Commission.²³¹ In its report, the Commission stated, *inter alia*, that it had completed a comprehensive review of all of its information, analysis and findings

²²⁴ *Ibid.*, p. 6.

²²⁵ *Ibid.*, p. 6.

²²⁶ *Ibid.*

²²⁷ *Ibid.*, p. 7.

²²⁸ *Ibid.*

²²⁹ *Ibid.*, pp. 8-9.

²³⁰ S/PRST/2007/18.

²³¹ S/2007/424.

on all past and current investigations. In particular, the Commission had made some progress concerning the identity of the suicide bomber who detonated the improvised explosive device. The Commission also welcomed the cooperation of Lebanon and the Syrian Arab Republic with the investigation.

The Council heard a briefing by the Commissioner and a statement by the representative of Lebanon. The Commissioner elaborated on the report and confirmed the conclusions of the Commission regarding the type and quantity of the explosives used in the attack on Rafiq Hariri, the initiating system and the container used to carry the improvised explosive device, as well as the exact circumstances of the blast. He reported that the Mitsubishi Canter van used to carry the device had been stolen in Japan before being shipped to the United Arab Emirates and transported to northern Lebanon. The Commissioner also noted that the investigation had narrowed down the possible motives for the assassination by concentrating on political activities such as the adoption of resolution 1559 (2004), the events surrounding the extension of the term of office of President Emile Lahoud and the perceived outcomes of the 2005 parliamentary election. He also reported that the Commission was cooperating with the authorities of Lebanon regarding the assassination on 13 June 2007 of Member of Parliament Walid Eido and seven other people in central Beirut. He welcomed the cooperation of Lebanon and the Syrian Arab Republic with the investigation, in addition to several other States which provided support during the reporting period. He stated that a number of areas of the investigation had been resolved to the satisfaction of the Commission, and that a list of persons who may have been involved in some aspect of the crime had been drawn up. The Commissioner concluded by saying that that information would prove to be a useful starting point in the transition from the Commission to the Special Tribunal for Lebanon.²³²

The representative of Lebanon then commended the high professionalism of the Commission and welcomed the clear progress that it made with the investigation. He also thanked the Commission for providing assistance to the authorities of Lebanon on

²³² S/PV.5719, pp. 2-4.

the terrorist crimes and assassinations which followed the assassination of Mr. Hariri.²³³

Decision of 20 September 2007 (5747th meeting): statement by the President

At the 5747th meeting, on 20 September 2007, the President (France) made a statement on behalf of the Council,²³⁴ by which the Council, *inter alia*:

Strongly condemned the terrorist attack in Beirut on 19 September 2007, which killed at least seven persons, including Member of Parliament Antoine Ghanem;

Condemned all targeted assassinations of Lebanese leaders, including since October 2004, and demanded an immediate end of the use of intimidation and violence against the representatives of the Lebanese people and institutions;

Called for the holding of a free and fair presidential election;

Reiterated its full support to all ongoing efforts in Lebanon to combat terrorism, solidify democratic institutions through national dialogue, and continue to extend the authority of the Government of Lebanon throughout its territory.

Deliberations of 5 December 2007 (5790th meeting)

At its 5790th meeting, held on 5 December 2007, the Council included in its agenda a letter dated 28 November 2007 from the Secretary-General addressed to the President of the Security Council, transmitting the ninth report of the International Independent Investigation Commission.²³⁵ In its report, the Commission stated, *inter alia*, that the pace and progress of its activities had been encouraging and had allowed it to reach a satisfactory understanding in a number of investigative areas. The ninth report confirmed many of the previous report's findings, and made a more detailed description of the suicide bomber's identity: one principal hypothesis specified a particular area from the Middle East from which the unidentified male is thought to have originated; the bomber was exposed to a specific type of lead, possibly through proximity to military ammunition, which suggested that he lived close to either a conflict area or an area where weapons were used on a regular basis. The Commission also described its assistance to the authorities of Lebanon on 18 other cases and how

²³³ *Ibid.*, pp. 4-5.

²³⁴ S/PRST/2007/34.

²³⁵ S/2007/684.

the cases were linked together, and reported that the perpetrators of the crimes still had advanced and extensive operational capabilities available in Beirut.

The Council heard a briefing by the Commissioner and a statement by the representative of Lebanon. The Commissioner, elaborating on the report, noted that the Commission had been active in linking a growing list of cases such as the assassination on 19 September of Member of Parliament Antoine Ghanem, who was the sixth Member of Parliament killed in Lebanon since 2005. Regarding the linkages between the Hariri case and the 18 other cases, the Commissioner noted the existence of some potential commonalities between the nature of the attacks, the *modus operandi*, the profiles of the victims and possible motives. He explained that the Commission had also made progress in several key areas of the Hariri case, including the facts surrounding the two men who had bought the Mitsubishi van used in the attack; the geographical origin of the suicide bomber; how he might have entered into Lebanon; the facts regarding the container of the improvised explosive device and the trigger mechanism used; and information regarding the potential perpetrators of the crime. The Commissioner welcomed the cooperation of Lebanon and the Syrian Arab Republic and explained that the Commission was working towards ensuring a smooth transition to the Office of the Prosecutor of the Special Tribunal for Lebanon.²³⁶

The representative of Lebanon welcomed the progress of the Commission. In particular, he stressed that the most serious point was that the investigation had established that the perpetrators of the crime were still able to move rapidly in Beirut and still had wide-ranging and well-developed operational capabilities.²³⁷

**Decision of 12 December 2007 (5800th meeting):
statement by the President**

At the 5800th meeting, on 12 December 2007, the President (Italy) made a statement on behalf of the Council,²³⁸ by which the Council, *inter alia*:

Condemned in the strongest terms the terrorist attack in Baabda, Lebanon, on 12 December 2007 which killed Brigadier General Francois el-Hajj of the Lebanese Armed Forces and killed and injured several other persons;

Expressed its deepest sympathy and condolences to the families of the victims, to the Lebanese Armed Forces, and to the Government of Lebanon; expressed its strong condemnation of this attempt to destabilize Lebanese institutions, in this particular case the Lebanese Armed Forces;

Reiterated its condemnation of all targeted assassinations of Lebanese leaders, particularly since October 2004, and demanded an immediate end to the use of intimidation and violence against the representatives of the Lebanese people and institutions;

Stressed that it was of the highest importance that the perpetrators, organizers and sponsors of this heinous crime were brought to justice and expressed its determination to support the efforts and commitment of the Government of Lebanon to this end;

Recalled its support for the efforts of the Secretary-General for the establishment of the Special Tribunal for Lebanon in a timely manner, as a means to put an end to impunity in Lebanon and deter further assassinations in Lebanon;

Underlined that no attempt to destabilize Lebanon should prevent the holding, without delay, of a free and fair presidential election in conformity with Lebanese constitutional rules, without any foreign interference or influence, and with full respect for democratic institutions.

E. Report of the Secretary-General on the Middle East

**Decision of 12 December 2006 (5584th meeting):
statement by the President**

At its 5584th meeting, on 12 December 2006, the Security Council included in its agenda the report of the Secretary-General on the Middle East.²³⁹ In his report, the Secretary-General observed, *inter alia*, that the instability that prevailed in the Middle East had been the greatest regional challenge to international peace and security and that, in particular, the failure to achieve a just and comprehensive solution to the Arab-Israeli conflict had remained the major underlying source of frustration and instability in the region. He explained that the road map prepared by the Quartet²⁴⁰ remained the only document of recent years accepted by the Palestinian and Israeli leaders alike, as well as by the Arab States and the Security Council. The Secretary-General implored the international community to find constructive responses to the challenge posed by the democratic choices of the peoples in the region and he advocated a stronger international presence on

²³⁶ S/PV.5790, pp. 2-5.

²³⁷ *Ibid.*, pp. 5-7.

²³⁸ S/PRST/2007/47.

²³⁹ S/2006/956.

²⁴⁰ S/2003/529, annex.

the ground. He concluded by noting that, although the region and its concerns needed to be treated as a whole, progress on one track should not be held hostage to progress on another.

The Council heard a briefing from the Secretary-General, following which statements were made by all members of the Council, as well as by the representative of Israel and the Permanent Observer of Palestine.

The Secretary-General elaborated on his report by explaining that the situation in the Middle East was more dangerous than it had been for a very long time. He said that the mistrust between the Israelis and Palestinians had reached new heights, especially since settlement activity had continued in the West Bank as had rocket attacks from Gaza into southern Israel. He noted that the situation in Lebanon remained precarious owing to a variety of internal and external factors; that the Syrian Golan Heights remained under Israeli occupation; that Iraq continued to be mired in “unrelenting violence”; and that the nuclear activities of the Islamic Republic of Iran were generating new security concerns in the region. The Secretary-General noted that the ultimate aim of the peace efforts was to establish “two States, Israel and Palestine, within secure, recognized and negotiated boundaries based on those of 4 June 1967”. He concluded by stating that the “fundamental aspirations of both peoples [could] be reconciled” and that the road map, endorsed by the Council in resolution 1515 (2003), was still the reference point for any effort to re-energize a political effort.²⁴¹

Most speakers made statements in favour of the peace proposal contained in the road map, which envisaged two States, Israel and Palestine, living side by side in peace within secure and internationally recognized borders. Most speakers also agreed that the solution to the problem in the Middle East had to be a comprehensive one which took into account the interests and concerns of all States in the region.

Several speakers supported a proposal for the establishment of an international peace conference, similar to the Madrid Conference of 1991, to further advance the peace process in the Middle East.²⁴²

²⁴¹ S/PV.5584, pp. 2-4.

²⁴² Ibid., pp. 11-12 (United Republic of Tanzania); pp. 12-13 (Russian Federation); pp. 17-18 (Argentina); pp. 19-20 (Congo); pp. 20-21 (France); and pp. 22-23 (Ghana).

Several speakers also expressed regret that the two sides had not solved the sensitive issue of the release of captured Israeli soldiers and the detention of Palestinians in Israel.²⁴³ Several speakers welcomed the fact that a ceasefire had been established between Israel and the Palestinians in the Gaza Strip and stated that it should be extended to cover the West Bank.²⁴⁴

The Permanent Observer of Palestine enumerated the essential components for peace in the Middle East: the relevant Security Council resolutions, the Arab Peace Initiative, the road map and the principle of land for peace. He explained that the main problem had been the lack of political will on behalf of the international community to implement and enforce the relevant resolutions. He also stated that “the continuing occupation of Arab territories by Israel” was an explosive factor which had fuelled conflict and led to all types of violence, including terrorism, and he advocated the sending of an international force to the region to monitor the ceasefire between Israel and the Palestinians. He concluded by noting that the Palestinian question was at the heart of efforts to reach a just, lasting and comprehensive solution to the Arab-Israeli problem.²⁴⁵

The representative of Israel stated that the Israeli-Palestinian conflict was erroneously identified by some as the source of all instability in the region. He explained, on the contrary, that the Israeli-Palestinian conflict was actually the consequence — not the cause — of extremism and radicalism in the region. He welcomed the formula for peace prescribed by the road map, but stressed the difference between extremists and moderates in the region. In that context, he reiterated the international community’s three conditions for Hamas: to recognize Israel, renounce violence and abide by previous agreements. He also stressed that the international community needed to insist on the full

²⁴³ Ibid., pp. 12-13 (Russian Federation); pp. 13-15 (Slovakia); pp. 17-18 (Argentina); pp. 20-21 (France); p. 21 (Denmark); and pp. 24-25 (Japan). The representatives of the United Kingdom (pp. 18-19) and the United States (pp. 15-16) called for the release of the abducted Israeli prisoners of war, but did not refer to the Palestinians detained in Israel.

²⁴⁴ Ibid., pp. 12-13 (Russian Federation); pp. 13-15 (Slovakia); pp. 17-18 (Argentina); pp. 20-21 (France); p. 21 (Denmark); pp. 22-23 (Ghana); pp. 24-25 (Japan); and pp. 26-27 (Peru).

²⁴⁵ Ibid., pp. 7-9.

implementation of resolutions 1559 (2004) and 1701 (2006), to ensure the end of Hizbullah's "State within a State". He concluded that, despite the disengagement from the Gaza Strip the previous year, which had demonstrated the commitment of Israel to the peace process, the reason for the current stalemate in peace negotiations had been "the lack of an appropriate partner on the other side to confront the seeds of extremism and embrace moderation".²⁴⁶

The representative of the Russian Federation regretted the fact that the situation in the Middle East had deteriorated and he said that this had had a very negative effect on international stability and security. He also said that the current situation in the region was "dangerously unbalanced — a trend that was unfortunately growing". He stated that the region required an integrated and multilateral approach to peace, and that unilateral steps, especially ones which included the use of force, were only aggravating the situation. He called for the formation of a new coalition Palestinian Government which supported the principles of the road map, and he asserted that the ultimate strategic goal of the peace process was the creation of "a sovereign, democratic, territorially contiguous Palestinian State, existing side by side with Israel in peace and security".²⁴⁷

The representative of the United States reaffirmed his country's commitment to the two-State solution in Palestine and he expressed disappointment with the "politicized and biased" resolutions that had been debated by the Security Council and General Assembly, which had not enabled any progress towards the two-State solution in accordance with the road map. He stressed that the role of the international community, including the Council, needed to be to help create an environment that would enable the parties to come together to resolve their differences. He outlined the numerous efforts that the United States had made to facilitate security sector reform in the Palestinian Authority and to improve access and movement between the Gaza Strip and the West Bank. He explained that the war launched by Hizbullah in July had highlighted the necessity of disarming the militias in Lebanon — which were used as a tool for external Powers to establish influence in the region — and he added that the United States supported the efforts of

the Government of Lebanon to reassert its sovereignty over all its territory.²⁴⁸

The representative of Argentina said that some Israeli practices had had an adverse effect on the prospect for peace in the area. They included the expansion of settlements, the construction of a separation barrier in the West Bank, extrajudicial executions, the excessive use of force, the arbitrary arrest of Palestinian officials and legislators and the stifling of the economy of the Gaza Strip. On the other hand, he stated that the inability or unwillingness of the Palestinians to maintain peace and order in Gaza, to prevent further rocket attacks against Israel, to release the Israeli soldier Gilad Shalit, to reform its institutions, to eradicate corruption and to combat violent extremism did not help to generate confidence in Israel regarding the need to negotiate with a Palestinian counterpart.²⁴⁹

The representative of the United Kingdom supported the Quartet's call for the establishment of a Palestinian Government which adhered to the three principles of renunciation of violence, recognition of Israel and acceptance of previous agreements. He expressed grave concern at the recent events in Beit Hanun during which numerous Palestinian civilians had been killed, as well as at the firing of Qassam rockets from Gaza into southern Israel. He also advised Israel to freeze all settlement activity.²⁵⁰

The representative of France also called for the establishment of a Palestinian Government which accepted the Quartet's principles, and encouraged Israel to halt its settlement activities and refrain from any unilateral action that would undermine the prospects for creating a politically, economically and geographically viable Palestinian State.²⁵¹

The representative of China said that events in the Middle East were intertwined and affected each other and that no country could respond to them single-handedly. He welcomed the efforts of the Palestinian Authority to establish a government of national unity and the willingness of Israel to engage in peace talks. He noted that the failure to find a solution to the problems in the Middle East, "the oldest item on the Council's agenda and the Council's biggest headache",

²⁴⁶ Ibid., pp. 9-11.

²⁴⁷ Ibid., pp. 12-13.

²⁴⁸ Ibid., pp. 15-16.

²⁴⁹ Ibid., pp. 17-18.

²⁵⁰ Ibid., pp. 18-19.

²⁵¹ Ibid., pp. 20-21.

had had a negative impact on the role and authority of the Council.²⁵²

The President (Qatar) then made a statement on behalf of the Council,²⁵³ by which the Council, *inter alia*:

Expressed its deep concern over the situation in the Middle East, with its serious ramifications for peace and security, and underlined the need to intensify efforts to achieve a just, lasting and comprehensive peace in the region;

Stressed that there could be no military solution to the problems of the region and that negotiation was the only viable

²⁵² *Ibid.*, pp. 25-26.

²⁵³ S/PRST/2006/51.

way to bring peace and prosperity to peoples throughout the Middle East;

Expressed grave concern over the deteriorating humanitarian situation and called for the provision of emergency assistance to the Palestinian people through the Temporary International Mechanism, international organizations and other official channels;

Reiterated its call for the Palestinian Authority Government to accept the three Quartet principles; reaffirmed the vital role of the Quartet and looked forward to its continued active engagement;

Reiterated the importance of, and the need to achieve a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967), 338 (1973) and 1515 (2003), the Madrid terms of reference and the principle of land for peace.

34. The situation in the Middle East, including the Palestinian question

Deliberations of 16 January, 18 February and 18 March 2004 (4895th, 4912th and 4927th meetings)

From January to March 2004, the Council heard monthly briefings from the Under-Secretary-General for Political Affairs, the Special Coordinator for the Middle East Peace Process and the Assistant Secretary-General for Political Affairs on the situation in the Middle East, including the Palestinian question.¹ No other statements were made at the meetings.

In the briefings, it was reported that there had been little progress in the peace process as Israel had not fulfilled its commitment to remove all settlement outposts. In addition, Israel continued to build a wall around the West Bank and undertake extrajudicial killing of Palestinians, while the Palestinian Authority had failed to reinforce security. It was noted that violence continued, causing great harm to the Palestinian economy and leading to the deterioration of the humanitarian situation. Moreover, donor fatigue combined with Israeli obstruction to the delivery of humanitarian assistance had driven the Palestinian Authority to near bankruptcy.

¹ For more information on the discussion at the 4895th meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

The speakers noted however, that the possibility of peace remained opened. In particular, they welcomed the decision by the Prime Minister of Israel, Ariel Sharon, to disengage from Gaza as a confidence-building act and as a window of opportunity for the resumption of the peace process, although they emphasized that the withdrawal should occur within the context of the implementation of the performance-based road map to peace in the Middle East,² in cooperation with the Palestinian Authority and with assistance from the international community. They also called on the international community to remain involved in the peace process and urged the Quartet³ to re-engage with the parties and to revitalize itself.

Decision of 25 March 2004 (4934th meeting): rejection of a draft resolution

By a letter dated 23 March 2004 addressed to the President of the Security Council,⁴ the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States, requested an urgent meeting of the Council to consider the extrajudicial killing of Hamas leader Sheikh Ahmed Yassin in Gaza city and the escalation of Israeli

² S/2003/529, annex.

³ Composed of the United States, the Russian Federation, the European Union and the United Nations.

⁴ S/2004/233.

military attacks against Palestinians, and to take measures in this regard. In response to that request, the Council held its 4929th meeting on 23 March 2004 and included the letter in its agenda.¹

All Council members took the floor in addition to the representatives of Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Ireland (on behalf of the European Union), Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Qatar, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁵

The President (France) first drew the attention of the Council to a letter from the Permanent Observer of Palestine dated 22 March 2004 condemning the killing of Sheikh Yassin.⁶

The representative of Palestine expressed appreciation for the wide international condemnation of the crime, but deplored the fact that the Council had failed to take an urgent position in a presidential statement and hoped that it could adopt a draft resolution submitted by the Arab Group. He claimed that Israel's "counter-terrorism policies" were in fact breeding terrorism and were designed to shy away from implementing its road map obligations, such as putting an end to the occupation and accepting an independent Palestinian State. He criticized Israel's announced plans to disengage from Gaza as a unilateral action and called for the destruction of the illegal Israeli expansionist wall in the occupied Palestinian territory.⁷

The representative of Israel expressed regret at the fact that the Council never condemned or even convened to consider terrorist attacks conducted by Palestinian militants even though they killed hundreds of innocent Israeli civilians. He claimed that Sheikh Yassin was a murderer who had orchestrated many bombings and had called for the intensification of the armed struggle against Israelis and Jews everywhere. He stated that the Israeli operation constituted an

important stride forward in Israel's fight against terrorism.⁸

Almost all speakers condemned the extrajudicial assassination of Sheikh Yassin, and expressed their concern that this could further deteriorate the situation. In particular, the representative of Spain held that "events such as those of yesterday de-legitimize the fight against terrorism in terms of the law"⁹ and the representative of France insisted that it could prove counter-productive as the political level.¹⁰ Most speakers also condemned terrorist acts and all other acts of violence and called for the implementation of the road map.

While recognizing that the killing of Sheikh Yassin had set back efforts to resume progress towards peace, the representative of the United States contended that Sheikh Yassin was the leader of a terrorist organization that proudly took credit for attacks against civilians and that he was opposed to the existence of Israel. The Council should therefore not support initiatives that ignored this reality.¹¹

Most speakers also deplored Israel's policy of occupation and other illegal practices. The representative of Tunisia for his part called for the deployment of an interposition force in the Palestinian territories to protect Palestinians.¹²

At its 4934th meeting, on 25 March 2004, the Council met to consider a draft resolution submitted by Algeria and the Libyan Arab Jamahiriya, by which the Council, *inter alia*, would condemn the killing of Sheikh Yassin; call for a complete cessation of extrajudicial executions; condemn acts of terrorism, provocation, incitement and destruction and call on all sides to cease those; call for the cessation of all illegal measures and for the respect for international humanitarian law; and call on both parties to fulfil their road map obligations.¹³ The draft resolution was put to a vote and was not adopted owing to pass due to the negative vote of the United States. Germany, Romania and the United Kingdom abstained.

⁸ *Ibid.*, pp. 5-7.

⁹ *Ibid.*, p. 12.

¹⁰ *Ibid.*, p. 14.

¹¹ *Ibid.*, p. 13.

¹² *Ibid.*, p. 21.

¹³ S/2004/240.

⁵ The Secretary-General was present but did not make a statement.

⁶ S/2004/231.

⁷ S/PV.4929, pp. 3-4.

The representatives of Algeria, Brazil, Chile, France, Germany, Israel, Romania, the Russian Federation, Spain, the United Kingdom and the United States and the Permanent Observer of Palestine made statements.

The representative of the United States said that his country could not support the draft because it was one-sided and unbalanced as it failed to address terrorist atrocities committed by Hamas, and that it would not further the goals of peace and security in the region.¹⁴ The representative of Germany contended that the draft resolution did not address terrorism in an appropriate manner and was not in line with the declaration of the European Union. Similar concerns were expressed by the representatives of Romania and the United Kingdom,¹⁵ but the representative of Spain held that, on the contrary, the draft was in line with the position taken by the European Union.¹⁶

The representatives of Algeria, the Russian Federation and Chile, on the other hand, regretted that the Council was unable to respond to the development of events in the Palestinian territories resulting from the killing of Sheikh Ahmed Yassin.¹⁷ The representative of Palestine also regretted the Council's failure to assume its responsibilities in the maintenance of international peace and security, and emphasized that the draft contained a very clear condemnation of all terrorist attacks. He called on the United States to adopt more neutral, objective and fair positions to enable it to assume its natural role as the sponsor of the peace process.¹⁸

The representative of Israel, for his part, said that if the international community was serious about advancing the peace process for both Israelis and Palestinians, it needed to stop pretending that the defensive response to terrorism was worse than terrorism itself.¹⁹

Deliberations of 19 April 2004 (4945th meeting)

At its 4945th meeting, on 19 April 2004, the Council met in response to a request from the

representative of Yemen, contained in a letter dated 19 April 2004 addressed to the President of the Council, to consider Israel's grave violations of international humanitarian law, in particular the extrajudicial execution in Gaza of Abdel Al-Rantisi, a Hamas political leader.²⁰

All Council members made statements, in addition to the representatives of Bahrain, Cuba, Egypt, India, Indonesia, Ireland (on behalf of the European Union), the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Norway, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The President (Germany) first drew the attention of the Council to a letter dated 19 April 2004 from the Permanent Observer of Palestine noting that the recent failure of the Council to condemn the killing of Sheikh Yassin had emboldened Israel to continue carrying out illegal actions.²¹

The representative of Palestine deplored the fact that the Council had so far failed to protect the Palestinian civilian population. He strongly disapproved of Israel's attempt to impose a unilateral disengagement from Gaza as it fell short of any real withdrawal since Israel would keep controlling international borders, airspace and water. He called on the Council to adopt a new resolution to ensure compliance with its own resolutions and adherence to international law.²²

The representative of Israel affirmed that in the absence of implementation by the Palestinian Authority of its obligation to dismantle terrorist infrastructures, his Government had decided to fight terrorism. He specified that Al-Rantisi was a terrorist leader and that it had been impossible to arrest him because of the lack of cooperation from the Palestinian Authority. Finally, he lauded his country's plan to evacuate settlements and military installations in the Gaza Strip and parts of

¹⁴ S/PV.4934, p. 2.

¹⁵ *Ibid.*, p. 4.

¹⁶ *Ibid.*, p. 5.

¹⁷ *Ibid.*, p. 3 (Algeria, Russian Federation); and p. 5 (Chile).

¹⁸ *Ibid.*, pp. 7-8.

¹⁹ *Ibid.*, pp. 6-8.

²⁰ S/2004/303.

²¹ S/2004/304.

²² S/PV.4945, pp. 3-5.

the West Bank as an opportunity to restart the road map towards a two-State solution.²³

Speakers unanimously condemned the assassination of Abdel Al-Rantisi as contrary to international law and damaging the prospects for peace. They also reaffirmed the need for the parties to re-engage in negotiations on the basis of the road map.

While many Council members welcomed the Israeli initiative to disengage from Gaza as long as it had the support of the international community and that it happened in the context of the implementation of the road map,²⁴ a few speakers expressed wariness. In particular, the representative of the Philippines asserted that the withdrawal plan was not a product of negotiation between the parties on the ground. The representative of Chile contended that the ultimate meaning of the withdrawal was not sufficiently clear, particularly its connection with the road map, while the representative of Lebanon asserted that Israel's withdrawal from Gaza would literally kill peace efforts.²⁵

Almost all non-members focused on Israeli violations of international law and reaffirmed their strong opposition to Israel's illegal occupation. They called on the Council to reassert its authority and shoulder its responsibility under the Charter of the United Nations by adopting a resolution by which it would condemn the extrajudicial killings by Israel. The representative of Yemen suggested a referral to the International Criminal Court, while the representative of the United Arab Emirates called on the Council to oblige Israel to dismantle settlements and fully withdraw from all Palestinian territories occupied since 1967.²⁶

**Decision of 19 May 2004 (4972nd meeting):
resolution 1544 (2004)**

At its 4951st meeting, on 23 April 2004, the Council met to hear a briefing by the Special Coordinator for the Middle East Peace Process and

Personal Representative of the Secretary-General. No other speakers took the floor.

The Special Coordinator focused his briefing on the peace efforts. He first welcomed Israel's announcement of withdrawal from Gaza as a positive step that could lead to the revival of the peace process, but insisted that it needed to be full and complete, and that robust and reliable security and administrative arrangements would be necessary, perhaps in the form of a temporary and internationally supervised security arrangement, to respond to Israel's potential security concerns after the withdrawal. In addition, he pointed out that the Gaza withdrawal needed to be accompanied by the implementation of other Palestinian and Israeli obligations under the road map, such as fighting terrorism and freezing Israeli settlement activities, which both parties had so far failed to meet. Finally, while recognizing that the Council had taken ownership of the Middle East peace process, he encouraged it to become more vigorously involved.²⁷

At its 4972nd meeting, on 19 May 2004, the Council met in response to a request contained in a letter dated 17 May 2004 addressed to the President of the Council by the representative of Yemen in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, to consider Israeli breaches of international law, in particular the widespread demolition of Palestinian homes in the Rafah area.²⁸ The Council included the letter in its agenda.

At the meeting, the representatives of Algeria, China, France, Israel, Pakistan, Romania, the Russian Federation, Spain and the United States, and the Permanent Observer of Palestine made statements.²⁹

The President (Pakistan) drew attention to a letter dated 17 May 2004 from the Permanent Observer of Palestine describing Israeli raids in the Rafah refugee camp and the destruction of dozens of homes, which constituted an illegal collective punishment.³⁰ He then drew the attention of the Council to a draft resolution submitted by Algeria and Yemen.³¹ It was immediately

²³ Ibid., pp. 5-7.

²⁴ Ibid., p. 10 (Russian Federation, Spain); p. 11 (United States, United Kingdom); p. 13 (Romania); p. 14 (France); p. 16 (Egypt); p. 19 (Ireland); and p. 32 (Norway).

²⁵ Ibid., p. 12 (Philippines); pp. 12-13 (Chile); and p. 27 (Lebanon).

²⁶ Ibid., p. 20 and p. 22, respectively.

²⁷ S/PV.4951.

²⁸ S/2004/393.

²⁹ The Secretary-General attended the meeting but did not make a statement.

³⁰ S/2004/394.

³¹ S/2004/400.

put to the vote and was adopted by 14 votes, with 1 abstention (United States) as resolution 1544 (2004), by which the Council, *inter alia*:

Called upon Israel to respect its obligations under international humanitarian law, and insisted, in particular, on its obligation not to undertake the demolition of homes contrary to that law;

Expressed grave concern regarding the humanitarian situation of Palestinians made homeless in the Rafah area, and called for the provision of emergency assistance to them;

Called for the cessation of violence and for respect of and adherence to legal obligations, including those under international humanitarian law;

Called upon both parties to immediately implement their obligations under the road map; and decided to remain seized of the matter.

Speaking after the vote, the representatives of Algeria and Pakistan welcomed the fact that the Council had finally succeeded in sending a strong signal to Israel that it could not continue with impunity to flout the Council's authority and the norms of international law.³² The representatives of France and Spain explained that it was essential to react to the deterioration of the situation in Gaza and to call for the parties to exercise restraint. They cited the European Union's condemnation of Israel's demolition of Palestinian houses in Rafah as disproportionate and contrary to international law, in spite of Israel's right to self-defence.³³ The representative of Romania expressed satisfaction that the resolution reminded the parties of their obligation to prevent the escalation of violence.³⁴ The representative of Spain, echoed by the representative of China, deplored Israel's actions as jeopardizing the entire peace process.³⁵ At the same time, some speakers noted that efforts by the Palestinian Authority to deal with terrorist groups had so far been insufficient.³⁶

The representative of the United States justified his country's abstention on the grounds that the resolution failed to refer to the fact that the Palestinian Authority had not taken serious action to address the threat of weapons smuggling or put an end to terrorist acts. However, he also admitted that Israel's operations

in Gaza had not contributed to enhancing Israel's security.³⁷

Finally, some speakers mentioned that their authorities were conducting diplomatic efforts to calm the situation and underlined the importance of renewed cooperation between the parties on security issues, and urged for an immediate ceasefire.³⁸

The representative of Palestine welcomed resolution 1544 (2004) and expressed the hope that the Council would follow up on its implementation. Characterizing Israel's actions as State terrorism, war crimes, collective punishment and systematic human rights violations, he argued that the international community had to act firmly and collectively to uphold international law.³⁹

The representative of Israel challenged the information concerning events in Rafah reported by the Palestinians and expressed disappointment that some members of the international community had been misled. He characterized resolution 1544 (2004) as one-sided and argued that the failure by the Council to also condemn actions by the Palestinians only emboldened terrorism.⁴⁰

**Deliberations of 21 May, 23 June, 13 July,
11 August and 17 September 2004 (4974th,
4995th, 5002nd, 5019th and 5039th meetings)**

From May to September 2004, the Council received monthly briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the situation in the Middle East.⁴¹ No other statements were made during the briefings.

At the meetings, the speakers deplored the failure of both sides to implement their core commitments under the road map. In particular, they noted, the deterioration of the security situation with continuing Israeli strikes including incidents against United Nations personnel and the extrajudicial killings of

³² S/PV.4972, pp. 2-3 (Algeria); and pp. 5-6 (Pakistan).

³³ *Ibid.*, p. 4 (France); and p. 5 (Spain).

³⁴ *Ibid.*, p. 5.

³⁵ *Ibid.*, p. 4 (China); and p. 5 (Spain).

³⁶ *Ibid.*, p. 3 (United States); p. 4 (France); and p. 5 (Romania).

³⁷ *Ibid.*, p. 3.

³⁸ *Ibid.*, p. 3 (United States); p. 4 (Russian Federation); and p. 5 (Romania, Spain).

³⁹ *Ibid.*, pp. 6-9.

⁴⁰ *Ibid.*, pp. 9-13.

⁴¹ For more information on the discussion at the 5002nd and 5039th meetings, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Palestinians, and the resumption of Palestinian suicide bombings and launching of Qassam rockets into Israeli civilian areas; the continuing Israeli practice of Palestinian house demolition, imposition of curfews, road blocks and the closure of the Rafah crossing between the Gaza Strip and Egypt; the continuing expansion of Israeli settlements in Gaza and the West Bank; the increasing pace of construction of the Israeli barrier sealing off areas in and around Jerusalem, despite the advisory opinion of the International Court of Justice on 9 July 2004 determining that the barrier was in contradiction with international law; the stalling of peace negotiations; and the failure of the Palestinian Authority to improve the rule of law and act against terrorism, although some progress was made in reforming public administration and in planning local elections. In addition, the economic situation in the Palestinian territories continued to deteriorate, 47 per cent of the Palestinian population living in poverty.

It was emphasized that these developments had a negative impact on peace, and that full implementation of the road map was crucial as only a political settlement would stop the bloodshed.

Israel's plan to unilaterally withdraw from Gaza was also addressed by the speakers. They reported that the Middle East Quartet had supported the initiative as a unique opportunity to revive the peace process as long as it respected four fundamental requirements which were set out in a statement by the Quartet on 4 May 2004, namely: it must be full and complete; it must lead to an end of the occupation of the Gaza Strip and be accompanied by similar steps in the West Bank; it must take place within the framework of the road map and the two-State vision; and it must be fully coordinated with the Palestinian Authority and the Quartet. However, the speakers noted that if Israel pulled out of Gaza and then decided to seal off all crossings while the Palestinian Authority failed to maintain law and order, it could lead to a humanitarian disaster in Gaza. The involvement of the international community would therefore be crucial to an effective handover, and Council guidance and supervision could help the parties carry out their defined tasks.⁴²

⁴² S/PV.4979; S/PV.4995; S/PV.5002; S/PV.5019; and S/PV.5039.

**Decision of 5 October 2004 (5051st meeting):
rejection of a draft resolution**

At its 5049th meeting, on 4 October 2004, in response to a request contained in a letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, the Council met to consider "the Israeli aggression in northern Gaza".⁴³

At the outset of the meeting, the President (United Kingdom) first drew the attention of the Council to three letters from the Permanent Observer of Palestine denouncing Israeli attacks against civilians in Gaza as war crimes and calling for Israel to be held accountable.⁴⁴ The President of the Council also drew attention to a letter from the representative of Israel referring to another Palestinian suicide bombing in Jerusalem and calling on the international community to request the Palestinian Authority to dismantle terrorist organizations.⁴⁵

All Council members made statements, in addition to the representatives of Cuba, Egypt, the Islamic Republic of Iran, Israel, Japan, Jordan, Malaysia, the Netherlands (on behalf of the European Union), South Africa, the Syrian Arab Republic, Tunisia and Turkey, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States and the Vice-Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The representative of Palestine detailed recent Israeli aggressions that caused widespread destruction, as well as extrajudicial killings, the targeting of civilians and the continuation of the illegal construction of the separation wall. Noting that Israel's justification was response to the launching of rockets from Gaza, he said that the Palestinian Authority had repeatedly demanded that Palestinian groups stop this practice. He expressed his hope that the Council would become more engaged in the political process and called on Israel to halt military operations and withdraw from the northern Gaza Strip. Lastly, he

⁴³ S/2004/779.

⁴⁴ S/2004/729, S/2004/761 and S/2004/776, dated 14, 27 and 30 September 2004, respectively.

⁴⁵ S/2004/757, dated 24 September 2004.

urged the Council to vote on a draft resolution recently submitted.⁴⁶

The representative of Israel for his part denounced the fact that terrorist groups in Palestine were operating with complete freedom and immunity in violation of the road map and that, as a result, the Israeli forces had to take action in self-defence.⁴⁷

The majority of the speakers rejected the violence from both sides and called on the parties to exercise restraint. The representative of Malaysia specifically requested the international community to assist the Palestinian Authority in strengthening its security apparatus.⁴⁸ Other speakers condemned or expressed alarm at Israel's actions,⁴⁹ some characterized those acts as war crimes,⁵⁰ and called on the Council to prevail upon Israel to renounce its policy of occupation, settlement-building, killing and destruction and to compel it to return to the negotiating table.⁵¹ Some speakers also supported a draft resolution introduced by the Arab Group which called upon Israel to, inter alia, put an end to its military operations; withdraw from northern Gaza; respect international humanitarian law; stop obstructing humanitarian assistance to civilians; and respect the inviolability of United Nations facilities.⁵² The representatives of China, the Islamic Republic of Iran and the League of Arab States called on the Council to fulfil its responsibilities to protect civilians.⁵³ The representative of the United States, however, stressed

that the draft resolution was not the road map to peace but rather a "road to nowhere".⁵⁴

Most speakers also reaffirmed their support for the road map and stressed the need for the parties to renew their commitments to its implementation. The representative of Malaysia reiterated his country's position that the Council should approve the deployment of an international peacekeeping force or an international monitoring mechanism to oversee the implementation.⁵⁵

Finally, a number of speakers expressed their views regarding Israel's plan to withdraw from Gaza. The representative of Chile emphasized that it had to take place within the framework of Council resolutions and the road map.⁵⁶ This was echoed by the representative of Jordan, who also stressed that the current plan to convert the Gaza Strip into a besieged province was contrary to the goal of ending the occupation.⁵⁷ The representative of Egypt contended that the current context was not conducive to a successful or secure withdrawal from Gaza.⁵⁸ The representative of the Syrian Arab Republic opined that the withdrawal plan constituted a violation of international law as it provided a pretext for Israel to kill more Palestinians.⁵⁹ The representative of Angola expressed the view that the current situation was inconsistent with the proclaimed Israeli intentions to withdraw from Gaza as well as with the proclaimed Palestinian intention to cooperate with Israel for such a withdrawal. He added that it was also inconsistent with international encouragements to make the Israeli withdrawal from Gaza a first step towards the end of the occupation of the Palestinian territories.⁶⁰ The representative of France concurred that the recent violence had imperilled the hope of peace brought by the prospects of a withdrawal from Gaza.⁶¹

The Council held its 5051st meeting on 5 October 2004 to consider a draft resolution submitted by Algeria, Pakistan and Tunisia, by which the Council, inter alia, would condemn the broad military incursion and attacks by the Israeli occupying forces in the

⁴⁶ S/PV.5049, pp. 3-4.

⁴⁷ *Ibid.*, pp. 5-7.

⁴⁸ *Ibid.*, p. 20.

⁴⁹ *Ibid.*, p. 8 (Algeria); p. 14 (Pakistan); p. 17 (Tunisia); p. 18 (Jordan); p. 19 (Islamic Republic of Iran); p. 20 (Malaysia, Egypt); p. 22 (League of Arab States); and p. 25 (Syrian Arab Republic).

⁵⁰ *Ibid.*, p. 8 (Algeria); p. 14 (Pakistan); p. 17 (Tunisia); p. 19 (Islamic Republic of Iran); and p. 25 (Syrian Arab Republic).

⁵¹ *Ibid.*, p. 8 (Algeria, Spain); p. 15 (Pakistan); p. 17 (Tunisia); p. 18 (Jordan); p. 19 (Islamic Republic of Iran); p. 20 (Malaysia, Egypt); p. 22 (South Africa, League of Arab States); p. 23 (Cuba); p. 24 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); and p. 25 (Syrian Arab Republic).

⁵² *Ibid.*, p. 8 (Algeria); p. 11 (Brazil); p. 14 (Angola); p. 15 (China); p. 17 (Tunisia); and p. 23 (Cuba).

⁵³ *Ibid.*, p. 15 (China); p. 19 (Islamic Republic of Iran); and p. 22 (League of Arab States).

⁵⁴ *Ibid.*, p. 16 (United States).

⁵⁵ *Ibid.*, p. 20.

⁵⁶ *Ibid.*, p. 11.

⁵⁷ *Ibid.*, p. 18.

⁵⁸ *Ibid.*, p. 21.

⁵⁹ *Ibid.*, p. 25.

⁶⁰ *Ibid.*, p. 14.

⁶¹ *Ibid.*, p. 16.

northern Gaza strip; demand the immediate cessation of all military operations and the withdrawal of Israeli occupation forces in this area; reiterate its call for the cessation of violence and for adherence to legal obligations; call on Israel to ensure access and safety of United Nations personnel and all humanitarian workers to provide assistance to the civilian population; and call on both parties to implement their obligations under the road map while closely cooperating with the Quartet.⁶² The letter dated 4 October 2004 from the representative of Tunisia to the Council⁶³ was included in the agenda.

Statements were made by the representatives of Algeria, Brazil, Chile, China, France, Germany, Israel, Pakistan, the Philippines, Romania, the Russian Federation, Spain, the United Kingdom and the United States and the Permanent Observer of Palestine.⁶⁴

The draft resolution was put to a vote and received 11 votes in favour and 1 against (United States), with 3 abstentions (Germany, Romania, United Kingdom), and was not adopted owing to the negative vote of a permanent member.

The representative of the United States explained that because the draft resolution was lopsided and unbalanced as it had omitted that the terrorists hide among Palestinian civilians, provoking their deaths, his country had decided to vote against it. He then emphasized that both sides needed to renounce violence, recommit themselves to the road map, and move quickly to establish a Palestinian State.⁶⁵

On the other hand, the representative of Algeria feared that the Council's failure to take on its responsibilities could reinforce the sentiment of impunity among Israeli leaders.⁶⁶ The representative of Pakistan hoped that those who did not support the draft resolution would use their bilateral influence to persuade Israel to cease its military operations in Gaza.⁶⁷ The representative of France also regretted that the Council had not reacted rapidly.⁶⁸ This was echoed

by the representatives of Spain and China.⁶⁹ While recognizing that the draft should have been more balanced, the representative of the Russian Federation explained that his country voted in favour because the objective was to stop the violence.⁷⁰ The representative of Brazil supported the call for a ceasefire made by the Secretary-General on 3 October 2004 and hoped that peace talks would resume.⁷¹

A few speakers who had abstained in the voting stated that they could not support the text because it did not fairly describe the facts and responsibilities on both sides.⁷²

In closing, the representative of Palestine emphasized that Palestinian terrorist groups were acting against the will of the Palestinian Authority while Israel's war crimes were condoned by the Israeli Government. He also pointed out that the American veto had always provided a cover for the occupying Power.⁷³ The representative of Israel responded that the draft resolution was definitely unbalanced and would have contributed to embolden terrorists who acted with total impunity within the occupied territories.⁷⁴

Deliberations of 22 October, 15 November and 16 December 2004 (5060th, 5077th and 5102nd meetings)

From October to December 2004, the Council heard monthly briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process. No other statements were made.

In October and November, the Council was informed about continued violence and the absence of implementation by both sides of their commitments under the road map. In particular, it was noted that Israel continued to resort to force, extrajudicial killings, frequent military operations and incursions, house demolitions, closures, restrictions on movement, the expansion of settlements, and the construction of the barrier, and temporarily reoccupied areas under

⁶² S/2004/783.

⁶³ S/2004/779.

⁶⁴ The Secretary-General was present at the meeting but did not make a statement.

⁶⁵ S/PV.5051, pp. 2-3.

⁶⁶ *Ibid.*, p. 3.

⁶⁷ *Ibid.*, p. 4.

⁶⁸ *Ibid.*, p. 4.

⁶⁹ *Ibid.*, p. 6.

⁷⁰ *Ibid.*, p. 5.

⁷¹ *Ibid.*, p. 4.

⁷² *Ibid.*, p. 5 (Romania); and p. 6 (Germany, United Kingdom).

⁷³ *Ibid.*, p. 7.

⁷⁴ *Ibid.*, p. 8.

Palestinian self-rule. The President of the Palestinian Authority, Yasser Arafat, remained confined to his compound, and this had convinced Palestinians that Israel did not really want peace. In addition, the United Nations agencies were severely affected in their operations by Israeli restrictions on movement and the Palestinian economy remained in tatters. However, Palestinians continued to resort to indiscriminate violence, as the Palestinian Authority failed to stop them. Internal Palestinian unrest also led to a number of incidents indicating that militants were increasingly bold in challenging the Palestinian Authority. These were factors that also led Israelis to believe that the Palestinians were not willing to share peaceful coexistence.

Following the death of President Yasser Arafat on 11 November 2004, the Palestinian Authority made great efforts to ensure that Palestinian elections scheduled for 9 January 2005 would be conducted in a free and fair manner, and the Palestine Liberation Organization pledged to end the “armed struggle”. Positive developments were noted such as the resumption of security cooperation between the two sides and the approval by the Israeli parliament in November of the Israeli Government’s initiative to withdraw from Gaza and parts of the West Bank. Overall, the emergence of optimism on both sides led to a sharp decline in violence in December.

During the briefings, the fact that the peace process had been in reverse since 2000 was deplored, although public opinion polls showing lasting support for the resumption of the peace process and Israeli support for the establishment of a Palestinian State proved that the underlying Oslo principles remained valid, namely, the principle of land for peace based on Council resolutions 242 (1967) and 338 (1973); the end of occupation; rejection of violence and terrorism; the need for security for both parties; a fair and agreed-upon solution to the plight of refugees; and Israel’s legitimate right to self-defence and to exist in security. The need for the international community to introduce the principle of end goals was stressed, which the parties would have to define more clearly and negotiate among themselves, as the lack of an end goal had been the main criticism of the Oslo process. The international community needed to outline the end of the road for the parties while providing guarantees that agreements reached would be firm and final. It was also reaffirmed that only a two-State solution could

offer a viable way out of the conflict, and the hope was expressed that the Israeli planned withdrawal, which could be seen as a programmatic continuation of the Oslo process, would lead to the end of occupation.⁷⁵

**Decision of 13 January 2005 (5111th meeting):
statement by the President**

At its 5111th meeting, on 13 January 2005, the Council received its monthly briefing on the situation in the Middle East, including the Palestinian question, by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General stated that there seemed to be an opportunity to begin the long-delayed implementation of the road map and move towards the settlement of the Israeli-Palestinian conflict. He welcomed the recent free, fair and peaceful elections in Palestine which had led to the election of Mahmoud Abbas as the new representative of the Palestinian people, and announced that elections to the Palestinian Legislative Council would be held on 17 July 2005. He also noted that a new coalition government was now in place in Israel, and reiterated that the withdrawal from Gaza should be implemented as part of the road map and in coordination with the new Palestinian leadership. The Under-Secretary-General also informed the Council of a marked increase in Palestinian attacks against Israelis despite the public call of President Abbas to end rocket attacks and his long-standing position of advocating an end to the armed uprising. He stated that Israeli forces also continued to undertake military incursions into Gaza. The Under-Secretary-General called on both parties to exercise restraint and to take steps towards fulfilling their road map obligations.⁷⁶

The President (Argentina) then made a statement on behalf of the Council,⁷⁷ by which the Council, *inter alia*:

Welcomed the Palestinian presidential election held on 9 January 2005;

Commended the credible and fair character of the vote and congratulated the Palestinian people who had demonstrated their commitment to democracy by participating in the election under challenging conditions;

Congratulated the newly elected President of the Palestinian Authority on his election;

⁷⁵ See S/PV.5060, S/PV.5077 and S/PV.5102.

⁷⁶ S/PV.5111, pp. 3-6.

⁷⁷ S/PRST/2005/2.

Looked forward to the convening of the Palestinian legislative elections in the near future, and affirmed its support for the Palestinian people in their democratic process;

Supported the Palestinian Authority and its efforts to strengthen institutions, and underlined the importance of international assistance to the Palestinian people;

Stressed the need for the full implementation of the Quartet road map, as endorsed by the Council in its resolution 1515 (2003), for the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security;

Called upon Israelis and Palestinians to relaunch a genuine political process.

Decision of 16 February 2005 (5126th meeting): statement by the President

At the 5126th meeting, on 16 February 2005, the President (Argentina) made a statement on behalf of the Council,⁷⁸ by which the Council, inter alia:

Welcomed the summit held in Sharm el-Sheikh, Egypt, on 8 February 2005, and the resumption of direct talks between the Prime Minister of Israel and the President of the Palestinian Authority;

Underlined the understandings reached by the Government of Israel and the Palestinian Authority, in particular that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere;

Recognized those understandings as primary steps towards restoring confidence between the two parties and as a significant opportunity to enhance a new spirit of cooperation and to promote an atmosphere conducive to the establishment of peace and coexistence in the region;

Welcomed the initiative of the United Kingdom in convening an international meeting in London on 1 March 2005 to support Palestinian efforts to prepare the ground for a viable Palestinian State, and welcomed the meeting of the Quartet at the ministerial level which was to convene on the margins of the London meeting;

Looked forward to further engagement by the Quartet with the two parties to ensure continued progress in the peace process and the full implementation of the road map and relevant Council resolutions towards the creation of an independent, viable, democratic and sovereign State of Palestine living side by side with Israel in peace and security.

⁷⁸ S/PRST/2005/6.

Decision of 9 March 2005 (5136th meeting): statement by the President

The Council held its 5128th meeting on 22 February 2005 to hear its monthly briefing by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General welcomed positive developments in the region following the Sharm el-Sheikh summit meeting on 8 January 2005 of the President of the Palestinian Authority, Mahmoud Abbas, and the Prime Minister of Israel, Ariel Sharon, where the two leaders reaffirmed their commitment to the road map and agreed that Palestinians would stop all acts of violence against Israelis and that Israel would cease its military activity against Palestinians. Positive follow-up actions included, from the Israeli side, the release of 500 Palestinian prisoners, the announcement of withdrawal from five West Bank cities and surrounding areas, the decision to halt punitive house demolitions, the reopening of three crossing points into Gaza and the issuance of permits for Palestinians to work in Israel. On the Palestinian side, the Under-Secretary-General welcomed the determination of President Abbas to prevent future attacks and the agreement by Hamas and Islamic Jihad to a temporary ceasefire. He however noted that violence had continued and that the imposition of closures still negatively affected humanitarian operations. In addition, Israel continued to build the barrier in the West Bank. Finally, he announced that the meeting in London, on 1 March 2005, composed of the Quartet, the Group of Eight, key donors and the Palestinian Authority would be an opportunity for the international community to provide funds for short-term assistance.⁷⁹

At the 5136th meeting, on 9 March 2005, the President (Brazil) made a statement on behalf of the Council,⁸⁰ by which the Council, inter alia:

Welcomed the conclusions of the London meeting on supporting the Palestinian Authority held on 1 March 2005;

Hoped that the London meeting would be part of the longer-term process on international support to the Palestinian people and a contribution to helping both sides to implement the road map;

Stressed the crucial importance of security, good governance and development of the Palestinian economy, and stressed the key role of the international community in assisting

⁷⁹ See S/PV.5128.

⁸⁰ S/PRST/2005/12.

the Palestinian Authority in taking forward its comprehensive plan presented at the London meeting;

Supported the joint statement of the Quartet issued following the meeting of the Quartet held on the margins of the London meeting, and looked forward to the Quartet's active engagement over the forthcoming period;

Reiterated its call for full respect by the Government of Israel and the Palestinian Authority of understandings reached at the Sharm el-Sheikh summit on 8 February 2005, in particular that all Palestinians would stop all acts of violence against all Israelis everywhere and that Israel would cease all its military activities against all Palestinians everywhere;

Reiterated its call upon both Israel and the Palestinian Authority to ensure continued progress in the peace process towards full implementation of the road map in direct contact with the Quartet; stressed the need for concerted and sustained action by the Palestinian Authority to fulfil its security-related commitments and welcomed President Abbas's commitment to exert every effort towards that end; also stressed the need for Israel to implement its road map commitments;

Reiterated its demand for immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction; and reiterated its commitment to the vision of two States, Israel and Palestine, living side by side in peace and security.

Deliberations of 24 March, 21 April, 18 May and 17 June 2005 (5149th, 5166th, 5181st and 5206th meetings)

From 24 March to 17 June 2005, the Council heard monthly briefings on the situation in the Middle East, including the Palestinian question, by the Under-Secretary-General for Political Affairs. No other statements were made.

The briefings focused mainly on implementation by the parties of the road map and of their Sharm el-Sheikh commitments, in particular Israel's preparation for its disengagement from Gaza and the Palestinian Authority's reforms of the security services. They also provided reports on Quartet meetings, which concentrated in particular on how best to help the parties maintain the momentum.

Over the reporting period, the parties held meetings to coordinate the economic and civilian aspects of the implementation of Israel's initiative to withdraw from Gaza and parts of the West Bank. They were strongly supported by the international community, the Secretary-General and the Quartet in particular, as security for Israel and economic development for the Palestinians went hand in hand. However, it was noted

that progress had been slow on implementation of the Sharm el-Sheikh understandings.

The Palestinian Authority continued efforts to institute comprehensive security reform, but was confronted with strong internal protests. A positive development in this context was Israel's approval of the deployment of armed Palestinian police in all West Bank cities in order to strengthen the Palestinian Authority ahead of the transfer of further areas to Palestinian security control.

However, towards the end of the reporting period, it became evident that increased violence and a low level of mutual trust continued to work against progress. Militants on both sides remained strong and exerted negative political influence. In particular, the Under-Secretary-General expressed concern that some Palestinian militias might not feel bound to their ceasefire pledge, and called on the Palestinian Authority to make more efforts to impose authority, with the help and cooperation of Israel.

Other preoccupying developments were the continuation of the construction by Israel of the defence barrier and settlement activity in contravention of Israel's road map commitments. The fact that Hamas won a substantial share of the vote in the second round of the municipal elections on 5 May 2005 was also perceived by the Under-Secretary-General as increasing popular frustration with the Palestinian Authority.⁸¹

Deliberations of 21 July 2005 (5230th meeting)

By a letter dated 19 July 2005 addressed to the President of the Security Council, the representative of Kuwait, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, requested an immediate meeting of the Council to consider Israel's accelerated settlement activities in the occupied Palestinian territories.⁸²

At its 5230th meeting, held on 21 July 2005 in response to that request,⁸³ the Council included the above-mentioned letter in its agenda. All Council members made statements, as did the representatives of

⁸¹ See S/PV.5149, S/PV.5166, S/PV.5181 and S/PV.5206.

⁸² S/2005/469.

⁸³ For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Israel, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, South Africa, the Sudan, the Syrian Arab Republic, Tunisia and Yemen, the Special Coordinator for the Middle East Peace Process, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Chargé d'affaires a.i. of the Permanent Observer Mission of the Organization of the Islamic Conference (OIC).

The Special Coordinator for the Middle East Peace Process briefed the Council on the situation. He said that the forthcoming Israeli withdrawal from Gaza and parts of the West Bank was overshadowing other issues although it was considered to be an opportunity to re-energize the road map, and was broadly supported by the international community. While preparations continued at a rapid pace, there was considerable evidence that Israeli settlement activities and the construction of the defence barrier were still ongoing. He held that the driving force behind the Israeli Government's decision to remove settlers from Gaza was Israel's own interest, but that it still constituted a gain for the Palestinian side. He also described a gradual erosion of the quasi-ceasefire that had prevailed since the Sharm el-Sheikh summit despite the commitment of President Abbas to working towards "one authority, one gun", and pressed Israel to do more to support the Palestinian Authority on that front. Particularly disturbing were recent confrontations between Hamas and the Palestinian Authority as well as the continuation of attacks against Israel.⁸⁴

The representative of Palestine deplored the fact that, while the international community was directing its efforts towards the success of Israel's withdrawal, Israel was in fact accelerating its expansionist plan, speeding up settlement activities and the building of the wall to further isolate the occupied section of Jerusalem from the West Bank, thus imposing an illegitimate fait accompli. She also deplored the fact that the international community had been reluctant to exert pressure on Israel and hoped that the Council would take immediate measures.⁸⁵

⁸⁴ S/PV.5230, pp. 3-8.

⁸⁵ Ibid., pp. 8-9.

The representative of Israel described incessant Palestinian terrorist activities and Qassam rocket attacks resulting in the murder of innocent Israeli civilians. He added that preventing terror coming from Palestinian areas was the responsibility of the Palestinian Authority. Although Israel had transferred control of Palestinian cities to armed Palestinian security forces so that they could combat terror, the Palestinian Authority had failed and as a result Israel was forced to take defensive measures. He contended that, nevertheless, Israel was taking a courageous action to reinvigorate the peace process by planning to withdraw from the Gaza Strip and from four settlements in the West Bank.⁸⁶

Deliberations focused primarily on Israel's disengagement plan and on its recent decision to extend Israeli settlements in the West Bank and to step up the construction of the defence wall in a new area around Jerusalem. Almost all speakers denounced the settlements and the construction of the wall as unlawful, recalling the advisory opinion of the International Court of Justice contending that the wall was against international law and should be dismantled.⁸⁷ Speakers also affirmed that the wall and the settlements were contrary to the road map, as they jeopardized the peace process because they adversely affected the final status of negotiations. In particular, most speakers recognized that the new route for the wall would cut through two densely populated Palestinian neighbourhoods thereby cutting off Palestinian residents of East Jerusalem from the rest of the city. Several speakers explicitly emphasized that they would not recognize any non-negotiated modifications of the borders established before 1967.⁸⁸ In particular, the representative of Algeria said that settlements were aimed at isolating the Palestinians and at imposing another fait accompli to impede the establishment of an independent and viable Palestinian State.⁸⁹ The representative of the Syrian Arab Republic wondered why the Israeli Government decided to establish more settlements if its action against the settlers in Gaza was genuine.⁹⁰ Many

⁸⁶ Ibid., pp. 9-11.

⁸⁷ The General Assembly, by resolution ES-10/15 of 20 July 2004, demanded that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion of the International Court of Justice. Most speakers referred to that resolution.

⁸⁸ S/PV.5230, p. 15 (France); p. 20 (Denmark); and p. 24 (United Kingdom, on behalf of the European Union).

⁸⁹ Ibid., p. 13.

⁹⁰ S/PV.5230 (Resumption 1), p. 10.

speakers openly called on the Council to take immediate action to compel Israel to put an end to the construction of the wall and to the creation of new settlements.⁹¹

Almost all speakers viewed Israel's planned withdrawal — if done successfully and consistently with the road map — as an initial stage towards achieving a fair, lasting and comprehensive peace in the Middle East, except for the representative of the Libyan Arab Jamahiriya, who expressed the view that Israel's unilateral disengagement from the Gaza Strip was “merely a manoeuvre to divert the international community's attention from its plans to annex more land and complete the separation wall”.⁹² The vast majority of speakers however insisted that Israel's withdrawal from the Gaza Strip needed to be genuine and complete and that both parties needed to cooperate towards its implementation. The representative of the United States emphasized that the international community needed to focus its efforts on working towards the successful implementation of the withdrawal plan as it held the potential to reinvigorate the road map.⁹³

Speakers also unanimously expressed some concern about the ongoing violence. However, while some of them called on both sides to exercise restraint and to prevent the ceasefire from falling apart,⁹⁴ others focused their statement on Israel's responsibility for the current violence.⁹⁵ The representatives of the United States and the United Republic of Tanzania, for

their part, insisted on Palestinian terrorist attacks and stressed the need for the Palestinian Authority to reign in terrorist elements.⁹⁶

Finally, the representative of France evoked the possibility of holding an international conference at an appropriate time to assist the parties in carrying out their road map obligations,⁹⁷ and the representative of Pakistan expressed his hope that the Council would actively promote dialogue between Israelis and Palestinians.⁹⁸

Decision of 23 September 2005 (5270th meeting): statement by the President

At its 5250th and 5270th meetings, on 24 August and 23 September 2005 respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the situation in the Middle East. No other speakers took the floor.

The briefings concerned the Israeli disengagement from Gaza and four settlements in the West Bank, which was completed by 20 September despite some incidents. The briefers welcomed the fact that coordination between the two sides contributed to a relatively smooth withdrawal. They also focused on remaining challenges to implement the road map, and noted that, although the renewed commitment to the ceasefire by Palestinian armed groups had led to a decrease in violence, Hamas leaders had stated their intention to continue resistance in the West Bank, and small arms smuggling into the Gaza Strip had been discovered. In addition, Israeli settlement activity in the West Bank and the construction of the Israeli defence and severe limitations on Palestinian movement were still ongoing. The speakers noted that without the re-establishment of free movement inside the West Bank, a viable Palestinian economy was impossible. Furthermore, the speakers indicated that, while Israeli leaders demanded an end to violence as a precondition to addressing Palestinian concerns, Palestinian leaders were finding it difficult to restrain Palestinian extremism without a visible prospect that their legitimate goals would be met in the near future. The speakers therefore called on the parties to take

⁹¹ S/PV.5230, p. 13 (Algeria); S/PV.5230 (Resumption 1), p. 3 (Kuwait); p. 5 (Egypt); p. 9 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (Syrian Arab Republic); p. 12 (Malaysia); p. 14 (Lebanon); p. 15 (Indonesia); p. 16 (Saudi Arabia); p. 17 (Islamic Republic of Iran); p. 20 (Pakistan); p. 22 (Libyan Arab Jamahiriya); and p. 24 (Organization of the Islamic Conference).

⁹² S/PV.5230 (Resumption 1), p. 22.

⁹³ S/PV.5230, p. 22.

⁹⁴ S/PV.5230, p. 14 (Russian Federation); p. 15 (France); p. 16 (Brazil); p. 18 (China, Japan); p. 20 (Denmark, Romania); p. 21 (Argentina); p. 23 (United Kingdom, on behalf of the European Union); p. 24 (Benin); p. 25 (Philippines); and p. 26 (Greece); S/PV.5230 (Resumption 1), p. 9 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (Malaysia); p. 13 (India); p. 18 (Norway); p. 20 (Cuba, Pakistan); and p. 22 (Morocco).

⁹⁵ S/PV.5230, p. 13 (Algeria); S/PV.5230 (Resumption 1), p. 3 (Kuwait); p. 5 (Yemen); p. 7 (Tunisia); p. 10 (Syrian Arab Republic); p. 15 (Indonesia, Saudi Arabia); p. 17 (Islamic Republic of Iran); and p. 18 (Sudan).

⁹⁶ S/PV.5230, p. 15 (United Republic of Tanzania); and p. 22 (United States).

⁹⁷ S/PV.5230, p. 15.

⁹⁸ S/PV.5230 (Resumption 1), p. 21.

advantage of the momentum gathered by the disengagement and discharge in parallel their respective obligations with regard to the road map. Finally, they announced that Palestinian legislative elections would be held as planned in January 2006.⁹⁹

At the end of the 5270th meeting, the President (Japan) made a statement on behalf of the Council,¹⁰⁰ by which the Council, *inter alia*:

Supported the statement issued in New York on 20 September 2005 by the Quartet, annexed to the statement;

Urged the Government of Israel and the Palestinian Authority to cooperate, along with other parties concerned, with the efforts to achieve the goals set out in the Quartet statement; and called for renewed action in parallel by the Government of Israel and the Palestinian Authority on their obligations in accordance with the road map, to ensure continued progress towards the creation of an independent, sovereign, democratic and viable State of Palestine living side by side with Israel in peace and security.

Decision of 30 November 2005 (5713th meeting): statement by the President

At its 5287th and 5312th meetings, on 20 October and 30 November 2005,¹⁰¹ the Council heard briefings by the Under-Secretary-General for Political Affairs on the situation in the Middle East.

The Under-Secretary-General welcomed the Agreement on Movement and Access between the Palestinian Authority and the Israeli Government reached on 15 November 2005, after several months of negotiations. The parties agreed that, *inter alia*, the Rafah crossing between Egypt and Gaza would be reopened, placed under Palestinian control and supervised by a European Union border assessment mission; all crossings between Gaza and Israel would operate continuously and the European Union would monitor Customs agreements; bus and truck convoys would resume; the Government of Israel would reduce movement restrictions in the West Bank; the construction of the Gaza seaport would resume; and discussions on the Gaza airport would continue. On the same day, the Rafah crossing was opened.

⁹⁹ See S/PV.5250 and S/PV.5270.

¹⁰⁰ S/PRST/2005/44.

¹⁰¹ For more information on the discussion at the 5312th meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

On the other hand, a number of challenges remained. In particular, construction of the defence barrier continued and Israeli checkpoints and settlements still dominated the landscape in the West Bank. The Under-Secretary-General cautioned that the economic and social situation in Gaza and the West Bank was still dire and that the rule of law remained weak in the areas under Palestinian control, as heavy armed clashes in Gaza between the Palestinian police and Hamas militants had occurred. The Under-Secretary-General also stressed that the Palestinian Authority had to implement proper restructuring of its security services and take action against individuals involved in violence, while Israel had to cease from complicating efforts that would achieve a two-State solution.

At the 5313th meeting, on 30 November 2005, the President (Russian Federation) made a statement on behalf of the Council,¹⁰² by which the Council, *inter alia*:

Welcomed the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing reached between the Government of Israel and the Palestinian Authority on 15 November 2005;

Called upon the parties to take immediate action to implement the terms of both agreements according to the timelines established therein;

Called for renewed action in parallel by the Government of Israel and the Palestinian Authority on their obligations in accordance with the road map, to ensure continued progress towards the creation of a viable, democratic, sovereign, and contiguous Palestine living side by side with Israel in peace and security.

Decision of 3 February 2006 (5365th meeting): statement by the President

At its 5337th and 5361st meetings, held on 20 December 2005 and 31 January 2006, respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Assistant Secretary-General for Political Affairs.

The briefers first highlighted the adoption of a revised donor structure at a London conference of donors, which would strengthen the role of the Palestinian Authority in aid management. They also expressed concern about the security situation, in particular the continuation of Palestinian terrorist

¹⁰² S/PRST/2005/57.

bombings, Israeli extrajudicial killings and deteriorating Palestinian internal security. In addition, there had been no change on the issue of Israeli settlement activities and the construction of the Israeli defence barrier. Finally, the briefers reported that on 4 January 2006, the Prime Minister of Israel, Ariel Sharon, had suffered a stroke and that Ehud Olmert had become Acting Prime Minister.

A major development was the Palestinian Legislative Council elections held on 25 January 2006, during which Hamas won a majority of seats. The Quartet then met in London on 30 January and expressed the view that all members of a future Palestinian government must be committed to non-violence, recognition of Israel and acceptance of previous agreements and obligations including the road map, and that any donor assistance would be subject to the Palestinian government's commitment to these principles. Lastly, the briefers deplored that the road map's target date for a final settlement of the Israeli-Palestinian conflict would not be met, but that it remained the general framework for peace in the Middle East.¹⁰³

At the 5365th meeting, on 3 February 2006, the President (United States) made a statement on behalf of the Council,¹⁰⁴ by which the Council, *inter alia*:

Congratulated the Palestinian people on an electoral process that was free, fair, and secure; and commended all the parties for the preparation and conduct of the elections, particularly the Central Elections Commission and the Palestinian Authority security forces, for their professionalism;

Expressed its expectation that a new government would remain committed to realizing the aspirations of the Palestinian people for peace and statehood; and welcomed President Abbas's affirmation that the Palestinian Authority remained committed to the road map, previous agreements and obligations between the parties, and a negotiated two-State solution to the Israeli-Palestinian conflict;

Reaffirmed its continuing interest in the fiscal stability of the caretaker government, and noted that major donors had indicated that they would review future assistance to a new Palestinian Authority government against the commitment of that government to the principles of non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the road map;

Reminded both parties of their obligation under the road map and on existing agreements, including on movement and

¹⁰³ See S/PV.5337 and S/PV.5361.

¹⁰⁴ S/PRST/2006/6.

access; and called upon both parties to avoid unilateral actions which prejudice final status issues.

Deliberations of 28 February and 30 March 2006 (5381st and 5404th meetings)

At its 5381st and 5404th meetings, held on 28 February and 30 March 2006, respectively, the Council heard briefings by the Special Coordinator for the Middle East Peace Process and the Assistant Secretary-General for Political Affairs on the most recent developments in the region. No other statements were made at those meetings.

The briefers reported that a new government in the occupied Palestinian territory had been formed, following the recent elections. This government was led by Hamas, "a terrorist organization" that was still committed to the destruction of Israel. Subsequently, Israel halted the transfer of Customs and value added tax payments to the Palestinian Authority, although the President of the Palestinian Authority Mahmoud Abbas, had asked Hamas to align its political programme to that of the Palestinian presidency. The briefers also reported on Israeli elections which saw the success of the new Kadima party.

Negative developments during the reporting period included, *inter alia*, a recent increase in violence, in particular rocket attacks against Israel and Israeli military escalation in Nablus, Gaza and Jericho;¹⁰⁵ the proliferation of physical obstacles to Palestinian movement within the West Bank; and the closing of the Karni crossing to Gaza, deepening the humanitarian crisis in Gaza. They finally stressed that the Palestinian government should reassess its position on the Quartet's principles and added that the interest for negotiation expressed by both the Prime Minister of Israel and the Palestinian President should be seriously explored.¹⁰⁶

At the 5404th meeting, on 30 March 2006,¹⁰⁷ all Council members made statements, as did the representatives of Austria (on behalf of the European Union), Israel, Lebanon, Malaysia (on behalf of the

¹⁰⁵ During an Israeli military raid in the West Bank town of Jericho, Israel kidnapped six Palestinian detainees (see S/PV.5404, p. 8).

¹⁰⁶ See S/PV.5381 and S/PV.5404.

¹⁰⁷ For more information on the discussion at this meeting, see chap. III, part I, sect. D, case 2, with regard to requests for invitations denied or not acted upon.

Movement of Non-Aligned Countries), the Syrian Arab Republic, the United Arab Emirates and Yemen (on behalf of OIC), the Permanent Observer of Palestine and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The representative of Palestine noted that Israel had intensified unilateral attempts to define its borders and called on the international community to reject those actions, particularly the E-1 plan, which would isolate East Jerusalem from the West Bank. He added that since the occupied Palestinian territory including East Jerusalem constituted one single territorial entity, it should still be subject to the Fourth Geneva Convention despite Israeli withdrawal from Gaza. He reiterated the commitment made by President Abbas to abide by all obligations and agreements signed by the Palestine Liberation Organization including to a peaceful solution to the conflict. Finally, with respect to the economic situation in the Palestinian territories, he held that the Palestinian people should not be punished for exercising their democratic right to vote, and that Israel should release the Palestinian tax payments and abide by the Agreement on Movement and Access.¹⁰⁸

The representative of Israel affirmed that the Palestinians had elected a terrorist organization. He called on the international community to continue its fight against terrorism, and explained that the recent closing of the Karni crossing had been necessary because of terrorist threats. He also emphasized that, following a statement by Hamas contemplating the release of a number of terrorists from the Jericho prison, Israel had had no choice but to intervene. Finally, he drew attention to the constant threat to Israel by an “axis of terrorism” consisting of an alliance between the Islamic Republic of Iran, the Syrian Arab Republic and Palestinian terrorist organizations.¹⁰⁹

Deliberations focused on the international community’s response to the election of Hamas in Palestine, in particular whether the international community should continue to provide financial assistance to the Palestinian Authority even though Hamas had been recognized as a terrorist organization by many countries. Many speakers stressed that the international community was expecting the new Hamas-led Government to adhere to the Quartet principles as they were criteria that would be applied to any financial

assistance to the Palestinian government.¹¹⁰ Many others speakers emphasized that it would be unfair to punish the Palestinian people for their democratic choice and that international aid needed to be maintained.¹¹¹ The representative of Denmark said that modalities for the provision of international assistance needed to be explored,¹¹² and the representative of the Russian Federation proposed to focus on joint efforts to establish a mechanism that would ensure reliable monitoring of donor assistance.¹¹³ The representatives of the United States and the United Kingdom, for their part, stressed that their countries remained committed to ensuring the continuing delivery of humanitarian aid, but that the international community needed to be entirely sure that funding was not being used in support of terrorism.¹¹⁴

Virtually all speakers expressed their support for the road map and emphasized the need for the parties to resume negotiations as soon as possible. The representative of Malaysia, echoed by the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, called on the Council to prevail upon Israel and Palestine to achieve their long-term goal of a just, lasting and comprehensive final settlement.¹¹⁵

Finally, the majority of speakers called on Israel to refrain from any unilateral measures in violation of the road map, in particular extrajudicial killings, the construction of the defence wall and the expansion of settlements. Some speakers even called on the Security

¹¹⁰ Ibid., p. 13 (Greece); p. 14 (Peru); p. 15 (United States); p. 16 (United Republic of Tanzania); p. 17 (Russian Federation); p. 20 (Denmark); p. 22 (Slovakia); p. 23 (Japan); p. 24 (Ghana); p. 25 (France); p. 26 (United Kingdom); p. 27 (Argentina); and p. 29 (Austria).

¹¹¹ Ibid., p. 11 (Lebanon); p. 13 (Syrian Arab Republic); p. 16 (United Republic of Tanzania); p. 18 (Russian Federation); p. 19 (Qatar); p. 20 (Denmark); p. 21 (China); p. 22 (Slovakia); p. 23 (Japan); p. 24 (Ghana); p. 25 (France); p. 26 (United Kingdom); p. 27 (Argentina); p. 30 (Austria); and p. 31 (Yemen).

¹¹² Ibid., p. 20.

¹¹³ Ibid., p. 18.

¹¹⁴ Ibid., p. 25 and p. 26, respectively.

¹¹⁵ Ibid., p. 33 (Malaysia); and p. 34 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

¹⁰⁸ S/PV.5404, pp. 5-9.

¹⁰⁹ Ibid., pp. 9-11.

Council to exert pressure on Israel.¹¹⁶ Several speakers, however, also denounced Palestinian terrorism.¹¹⁷

Deliberations of 17 April 2006 (5411th meeting)

By letters dated 10, 11 and 12 April 2006 addressed to the President of the Security Council, the representatives of Bahrain (in his capacity as Chairman of the Group of Arab States and on behalf of the League of Arab States), Yemen (on behalf of OIC), and Malaysia (in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries), respectively, requested a Council meeting to consider the recent developments in the occupied Palestinian territory.¹¹⁸ At its 5411th meeting, held on 17 April 2006 in response to those requests,¹¹⁹ the Council included the above-mentioned letters in its agenda.

All Council members made statements, in addition to the representatives of Algeria, Austria, Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Malaysia, Pakistan, Saudi Arabia, the Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of) and Yemen, the Permanent Observer of Palestine, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the League of Arab States.

The representative of Palestine regretted that the Council had been unable to adopt a presidential statement on the violence in the region the week before.¹²⁰ He then deplored the fact that Israel had

continued and intensified its military campaign against the Palestinian people in violation of international law, over the past month. He detailed the latest cases of aggression including the firing of missiles by Israel into the compound of the President of the Palestinian Authority, Mahmoud Abbas. He refuted Israel's argument that those actions were simply in response to violence coming from Palestine; instead they were aimed at inflicting maximum pain on civilians. Finally, he reminded the Council that President Abbas had been condemning terrorist attacks and he called on the Council to act firmly to stop Israel.¹²¹

The representative of Israel for his part focused on the danger that Palestinian terrorism constituted for Israel and reiterated that his country would not compromise the safety of its citizens. He urged the Council to take action to prevent the next murder.¹²²

The representative of the United States strongly regretted that Hamas, although part of the Palestinian government, had applauded the recent suicide bombing in Tel Aviv and cited a statement of 30 March 2006 by the Quartet expressing concern that the Palestinian government had not yet committed itself to the Quartet principles. He added that the United Nations had to remain even-handed as unbalanced decisions undermined the credibility of the Organization and its ability to be an honest broker. He also signalled his country's intention to administer humanitarian assistance to the Palestinians through non-Palestinian Authority actors.¹²³

A large number of speakers expressed concern about the humanitarian situation in the Palestinian territories, and repeated their call on Israel to stop the freeze on Palestinian Customs and tax funds. The representative of the Russian Federation noted that the provision of humanitarian aid to the Palestinian authority should continue free from political preferences,¹²⁴ and the representative of Pakistan specifically urged the United Nations and its agencies to increase their assistance.¹²⁵ The representatives of France and Austria (on behalf of the European Union),

¹¹⁶ *Ibid.*, p. 11 (Lebanon); p. 13 (Syrian Arab Republic); p. 19 (Qatar); p. 28 (United Arab Emirates); and p. 31 (Yemen).

¹¹⁷ *Ibid.*, p. 23 (Ghana); p. 24 (France); p. 26 (United Kingdom); p. 27 (Argentina); p. 30 (Austria); and p. 32 (Malaysia).

¹¹⁸ S/2006/227, S/2006/239 and S/2006/240, respectively.

¹¹⁹ For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice; and chap. XII, part I, sect. B, case 4, with regard to Article 2, paragraph 4, of the Charter.

¹²⁰ Many speakers also deplored the failed attempt by the Council to adopt a presidential statement: see S/PV.5411, p. 9 (Argentina); p. 10 (France); p. 15 (Congo); p. 20 (China); p. 25 (Algeria); p. 27 (Egypt); p. 29 (Syrian Arab Republic); p. 32 (Islamic Republic of Iran); p. 34 (Cuba); p. 36 (Venezuela, Bolivarian

Republic of); p. 37 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); and p. 38 (League of Arab States).

¹²¹ S/PV.5411, pp. 3-5.

¹²² *Ibid.*, pp. 5-7.

¹²³ *Ibid.*, pp. 7-8.

¹²⁴ *Ibid.*, p. 11.

¹²⁵ *Ibid.*, p. 28.

however, said that European humanitarian aid to the Palestinians would continue, but that direct budgetary assistance to the Palestinian Authority had been temporarily suspended until alternative channels were defined. This policy would be regularly reviewed in view of the Palestinian government's attitude towards the Quartet principles.¹²⁶ The representatives of Denmark and the United Kingdom underlined the need to ensure that funding would not be directed to terrorist purposes.¹²⁷

Most speakers condemned the terrorist bombing in Tel Aviv¹²⁸ and called on both parties to exercise restraint. While the majority of Council members also appealed to the parties to refrain from actions that could prejudice the outcome of final status negotiations, the majority of non-members called on the Council to pressure Israel to immediately stop its military escalation, the extrajudicial killings, settlement activity and the construction of the separation wall, those measures being contrary to international law. Most speakers also called on the Council and the Quartet to play a supportive role in assisting the parties to resume peace negotiations.

Deliberations of 24 April, 24 May and 21 June 2006 (5419th, 5443rd and 5472nd meetings)

At its 5419th, 5443rd and 5472nd meetings, held on 24 April, 24 May and 21 June 2006, respectively,¹²⁹ the Council heard briefings by the Special Coordinator for the Middle East Peace Process and the Under-Secretary-General for Political Affairs on the most recent developments in the region.

The briefers reported on a number of worrying developments. First, the new Palestinian government had failed to commit itself to the Quartet principles. As a result, key donors had withdrawn their direct support to the Palestinian Authority, and the Authority, facing a

deep financial crisis, was unable to pay the salaries of civil servants and security forces or to provide basic services to the population. The fact that Israel continued to withhold tax clearance revenues that it collected on behalf of the Palestinian Authority further aggravated the situation. Another result was the designation by Israel of the Palestinian government as a "terrorist entity" and its refusal to interact with it. Second, Israeli closures continued. The Agreement on Movement and Access was not respected by Israel except for the opening of the Rafah crossing into Gaza. In addition, settlement activity and the construction of the Israeli barrier had accelerated. Third, the humanitarian situation in the Palestinian territories was still preoccupying. Meeting the basic needs of the Palestinians was identified as a major challenge and international donors expressed their desire to provide assistance to the people. As a result, on 17 June 2006 a temporary international mechanism developed by the European Union to facilitate direct needs-based assistance to the Palestinian people, circumventing the Palestinian Authority, was endorsed by the Quartet. Fourth, violence was still ongoing. The briefers reported on Palestinian terrorist bombings, for which Israel held the Palestinian Authority accountable despite President Abbas's repeated condemnations. Overall, prospects for achieving a two-State solution through the implementation of the road map were at their lowest point.

**Decision of 13 July 2006 (5488th meeting):
rejection of a draft resolution**

By letters dated 29 June 2006 addressed to the President of the Security Council, the representatives of Algeria (in his capacity as Chairman of the Group of Arab States and on behalf of the League of Arab States) and Qatar requested an immediate Council meeting to consider the situation in the occupied Palestinian territory including East Jerusalem, including Israeli practices affecting Palestinian civilians.¹³⁰ At its 5481st meeting, held on 30 June 2006 in response to those requests, the Council included the above-mentioned letters in its agenda.

All Council members made statements, as did the representatives of Algeria, Austria (on behalf of the European Union), Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Lebanon, the Libyan

¹²⁶ Ibid., p. 10 (France); and p. 24 (Austria).

¹²⁷ Ibid., p. 15 (Denmark); and p. 16 (United Kingdom).

¹²⁸ Those who did not expressly condemn the terrorist attack were the representatives of Algeria, Bahrain, Cuba, Egypt, Indonesia, the Islamic Republic of Iran, Qatar, Saudi Arabia, the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Yemen (on behalf of OIC).

¹²⁹ For more information on the discussion at the 5472nd meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

¹³⁰ S/2006/458 and S/2006/462, respectively.

Arab Jamahiriya, Malaysia (on behalf of the Movement of Non-Aligned Countries), Morocco, Norway, Pakistan, Saudi Arabia, South Africa, the Syrian Arab Republic, Yemen and Zimbabwe (on behalf of the Group of African States), the Assistant Secretary-General for Political Affairs and the Permanent Observer of Palestine.¹³¹

The President (Denmark) first drew the attention of the Council to two letters from the representative of Israel reporting on the infiltration by Hamas of Israeli territory on 25 June 2006 that led to the killing of two Israeli soldiers and the kidnapping of Corporal Gilad Shalit, as well as the continuing firing of Qassam rockets from the Gaza Strip into Israel. Israel deplored the fact that Gaza had turned into a terror base since the Israeli disengagement, and specified that Israel would take all necessary actions to release Corporal Shalit.¹³²

She also drew attention to a letter from the representative of the Syrian Arab Republic denouncing a flight of Israeli military aircraft over the Syrian coast on 28 June 2006 as constituting a violation of international law and an unjustified provocation against the Syrian Arab Republic,¹³³ and to two letters from the Permanent Observer of Palestine informing the Council of the launching by Israel on 28 June 2006 of a major air and ground military assault on the Gaza Strip, the raiding of several cities in the occupied Palestinian territory and the kidnapping of at least 64 Palestinians, and calling for the Israeli perpetrators of those war crimes to be brought to justice.¹³⁴

The Assistant Secretary-General for Political Affairs reported on the incursion by the Israel Defense Forces into Gaza, the airstrikes, the arrest of Palestinian Authority officials and of suspected militants, and the indiscriminate firing of rockets from Gaza. She insisted that the Palestinian Authority needed to act to stop the rocket attacks but also stressed that Palestinian civilians should not pay the price of militants' actions. She added that international efforts to secure the release of Corporal Shalit had been undertaken by Egypt, France

and Jordan and that nothing justified the holding of hostages.¹³⁵

The representative of Palestine held that the Israeli operation had been premeditated before the capture of Corporal Shalit as the scope of the attack necessitated preparation. He said that President Abbas was working hard to secure the release of the soldier. He said that it was the Council's duty to condemn Israeli aggression, call for the immediate cessation of hostilities and compliance with international law, call for the withdrawal of Israeli forces and the release of Palestinian Authority officials, and exert pressure on the parties to resume the peace process.¹³⁶

The representative of Israel deplored the fact that Gaza had become a terror base actively supported by the elected Hamas government, and that terrorist attacks continued to be launched despite Israeli restraint in reaction to Qassam rocket attacks.¹³⁷

A majority of speakers expressed concern about the current situation and asked both parties to exercise restraint. However, almost all non-members, in addition to the representative of Algeria, denounced Israeli attacks against Palestinians and the recent violation of the airspace of the Syrian Arab Republic. They called on the Council to compel Israel to cease immediately.¹³⁸ All those speakers, and a few others, stated that the Israeli aggression was disproportionate and constituted unnecessary collective punishment of the Palestinian people.¹³⁹ Some even contended that the Israeli invasion was premeditated and that the kidnapping of Corporal Shalit had only been a pretext.¹⁴⁰ The representatives of Algeria, the Islamic Republic of Iran, Egypt and the Libyan Arab Jamahiriya expressed their hope that the

¹³¹ The representative of India and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People were also invited to participate but did not make statements.

¹³² S/2006/436 and S/2006/463, dated 26 and 29 June 2006, respectively.

¹³³ S/2006/459, dated 29 June 2006.

¹³⁴ S/2006/443 and S/2006/460, dated 28 and 29 June 2006, respectively.

¹³⁵ S/PV.5481, pp. 3-4.

¹³⁶ *Ibid.*, pp. 4-7.

¹³⁷ *Ibid.*, pp. 7-9.

¹³⁸ *Ibid.*, p. 19 (Algeria); p. 21 (Islamic Republic of Iran); p. 22 (Egypt); p. 25 (Yemen); p. 26 (Syrian Arab Republic); p. 27 (Cuba); p. 28 (Libyan Arab Jamahiriya); p. 29 (Indonesia); p. 30 (South Africa, Pakistan); p. 32 (Morocco, Zimbabwe); and p. 33 (Saudi Arabia).

¹³⁹ *Ibid.*, p. 9 (Qatar); p. 11 (Congo); p. 15 (United Republic of Tanzania); p. 18 (Argentina); p. 23 (Malaysia); p. 24 (Jordan); and p. 31 (Lebanon, Norway).

¹⁴⁰ *Ibid.*, p. 11 (Congo); p. 19 (Algeria); p. 20 (Islamic Republic of Iran); p. 25 (Yemen); p. 26 (Syrian Arab Republic); p. 27 (Cuba); and p. 28 (Libyan Arab Jamahiriya).

Council would provide international protection to the Palestinian people.¹⁴¹

While many speakers called on the Palestinian Authority to make all efforts necessary to obtain the release of Corporal Shalit,¹⁴² others specifically called for the release of the Palestinian Authority officials detained by Israel.¹⁴³ The representatives of Malaysia, Indonesia and Norway appealed for both to be released.¹⁴⁴

The representative of the United States asked the Council to avoid taking any steps that would exacerbate tensions. He also said that a prerequisite for ending the conflict would be for the Syrian Arab Republic and the Islamic Republic of Iran to end their role as State sponsors of terror and unequivocally condemn the actions of Hamas.¹⁴⁵

At its 5488th meeting, held on 13 July 2006 in response to the requests contained in two letters dated 29 June 2006 addressed to the President of the Council by the representatives of Algeria and Qatar, the Council included the letters in its agenda.¹⁴⁶

At the meeting, the representatives of Denmark, Israel, Peru, Qatar, Slovakia and the United States and the Permanent Observer of Palestine made statements.

The President (France) first drew attention to a draft resolution submitted by Qatar,¹⁴⁷ by which the Council, *inter alia*, would condemn all acts of violence, terror and destruction; call for the release of the abducted Israeli soldier and of all detained Palestinian officials and other illegally detained Palestinian civilians; call upon Israel to halt its military operations and its disproportionate use of force and to withdraw to

its original position outside the Gaza Strip; call upon the Palestinian Authority to take immediate action to bring an end to violence, including the firing of rockets on Israeli territory; urge all concerned parties to abide by their obligations and refrain from violence against the civilian population; call on the international community to provide emergency assistance to the Palestinian people and on Israel to restore the continuous supply of fuel to Gaza; call on both parties to create the necessary conditions for restarting the peace process; and request the Secretary-General to report back to the Security Council on the implementation of the resolution in a timely manner.

The draft resolution was put to the vote and received 10 votes in favour (Argentina, China, Congo, France, Ghana, Greece, Japan, Qatar, Russian Federation, United Republic of Tanzania) to 1 against (United States), with 4 abstentions (Denmark, Peru, Slovakia, United Kingdom) and was not adopted owing to the negative vote of a permanent member.

Explaining his country's vote, the representative of the United States stated that there had been new developments, referring to the major escalation by Hizbullah in southern Lebanon and the subsequent announcement by the Secretary-General that he would send a team to the region. He then contended that the draft resolution was unbalanced as it did not acknowledge that Israeli military actions were in response to rocket attacks and to the abduction of the Israeli soldier. Finally, he asserted that Hamas and Hizbullah were supported by the Islamic Republic of Iran and by the Syrian Arab Republic, and called upon the Syrian Arab Republic to arrest the Hamas leader Khalid Mishal who resided in Damascus.¹⁴⁸

The representative of Peru, echoed by the representative of Denmark, regretted that the draft resolution did not take into account the fact that Hizbullah had also kidnapped two Israeli soldiers and launched rockets at Israel, provoking a response from the Israel Defense Forces in Lebanon. The representative of Denmark added that the draft had not included a more thorough recognition of complexities on the ground, and this view was shared by the representative of the United Kingdom, who held that the text was not balanced.¹⁴⁹ The representative of

¹⁴¹ *Ibid.*, pp. 19, 21, 22 and 28, respectively.

¹⁴² *Ibid.*, p. 11 (United States); p. 12 (Russian Federation); p. 13 (Slovakia, United Kingdom); p. 14 (Japan); p. 15 (United Republic of Tanzania, Ghana); p. 16 (Greece); p. 17 (China, Argentina); p. 18 (Peru); p. 19 (Denmark); p. 22 (Egypt, Austria); p. 23 (Malaysia); p. 29 (Indonesia); and p. 31 (Norway).

¹⁴³ *Ibid.*, p. 10 (France); p. 11 (Congo); p. 15 (United Republic of Tanzania); p. 18 (Argentina); p. 20 (Algeria); p. 22 (Egypt); p. 23 (Malaysia); p. 25 (Yemen); p. 28 (Libyan Arab Jamahiriya); p. 29 (Indonesia); p. 30 (South Africa); p. 31 (Norway); and p. 32 (Morocco).

¹⁴⁴ *Ibid.*, pp. 24, 29 and 31, respectively.

¹⁴⁵ *Ibid.*, p. 11.

¹⁴⁶ S/2006/458 and S/2006/462, dated 29 June 2006.

¹⁴⁷ S/2006/508.

¹⁴⁸ S/PV.5488, p. 3.

¹⁴⁹ *Ibid.*, p. 3 (Peru); p. 4 (Denmark); and p. 5 (United Kingdom).

Slovakia for his part expressed disappointment that condemnation of terrorism was not sufficiently reflected.¹⁵⁰

The representatives of Qatar and Palestine expressed their disappointment at the Council's continued inability to act while Palestinian civilians were being killed by Israelis. They added that this was hurting the credibility of the Council and that it would contribute to exacerbating the situation.¹⁵¹

Finally, the representative of Israel denounced the Syrian Arab Republic and the Islamic Republic of Iran as part of "an axis of terror" and added that those two countries constituted a threat to Israel, to the region and to the entire free world. He also emphasized that his country was doing what it could to balance its duty to protect its citizens with the wish to minimize the negative impact on the civilian population.¹⁵²

Deliberations of 21 July 2006 (5493rd meeting)

At its 5493rd meeting, on 21 July 2006, the Council heard a briefing by the Special Adviser to the Secretary-General on his recent mission to the Middle East, and a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in the region.

Following the briefings, all Council members made statements, as did the representatives of Algeria, Australia, Brazil, Canada, Chile, Cuba, Djibouti, Egypt, Finland (on behalf of the European Union), Guatemala, India, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Lebanon, Malaysia (on behalf of the Movement of Non-Aligned Countries), Mexico, Morocco, New Zealand, Norway, Pakistan, Saudi Arabia, South Africa, the Sudan, Switzerland, the Syrian Arab Republic, Turkey, the United Arab Emirates, Venezuela (Bolivarian Republic of) and Viet Nam, the Permanent Observer of Palestine, the Permanent Observer of the League of Arab States and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

The President (France) first drew the attention of the Council to four letters from the representative of Israel denouncing the infiltration of Israel by Hamas on

25 June 2006, via an underground tunnel, and the killing of two Israeli soldiers and the kidnapping of a third. The letters justified Israel's actions in the Palestinian territories as necessary to free the kidnapped soldier, and deplored the continuing firing of Qassam rockets into Israel.¹⁵³ In another letter, the representative of Israel protested against an infiltration by Hizbullah into Israeli territory on 12 July 2006 and the kidnapping of two Israeli soldiers, holding the Governments of the Syrian Arab Republic and the Islamic Republic of Iran responsible as well as the Government of Lebanon for its inaction, and contended that Israel reserved itself the right to act in self-defence under Article 51 of the Charter of the United Nations.¹⁵⁴

The President also drew attention to letters from the Permanent Observer of Palestine denouncing a major air and ground military assault on the Gaza Strip by Israel launched on 28 June 2006, collectively punishing the Palestinian civilian population for the capture of the Israeli soldier on 25 June 2006 despite calls from the Palestinian leadership to find a diplomatic solution. In the letters, the representative of Palestine also called on the Council to condemn Israel's war crimes, bring a halt to the military invasion and urge Israel to release Palestinian officials detained since the incident.¹⁵⁵ One of the letters contained the text of the Palestinian national conciliation document on the development and reactivation of the Palestine Liberation Organization and a comprehensive Palestinian national dialogue.¹⁵⁶

Reference was also made to a letter from the representative of the Syrian Arab Republic denouncing a flight of Israeli military aircraft over the Syrian coast on 28 June 2006 as constituting a violation of international law and an unjustified provocation, and to three letters from the representative of the Islamic Republic of Iran denouncing Israel's military campaign against the Palestinians.¹⁵⁷

¹⁵⁰ *Ibid.*, pp. 3-5.

¹⁵¹ *Ibid.*, pp. 5-7.

¹⁵² *Ibid.*, pp. 7-8.

¹⁵³ S/2006/436, S/2006/463, S/2006/485 and S/2006/502, dated 26 and 29 June and 5 and 10 July, respectively.

¹⁵⁴ S/2006/515, dated 12 July 2006.

¹⁵⁵ S/2006/443, S/2006/460, S/2006/479, S/2006/489, S/2006/501, S/2006/519, S/2006/538 and S/2006/554, dated 28 and 29 June and 3, 7, 10, 13, 18 and 20 July 2006, respectively.

¹⁵⁶ S/2006/499, dated 10 July 2006.

¹⁵⁷ S/2006/459, S/2006/475, S/2006/546 and S/2006/549, dated 29 and 30 June, 11 and 19 July 2006, respectively.

In other letters brought to the attention of Council members, the representative of Malaysia transmitted statements by the Movement of Non-Aligned Countries condemning Israel's military assault against Palestinian civilians and its violation of Syrian airspace, expressing concern at the humanitarian situation in Gaza and in Lebanon, and calling on the Council to establish a comprehensive ceasefire in Lebanon.¹⁵⁸

A statement by the European Union reminding the parties of their responsibility to protect civilian lives was also submitted to the Council in a letter from the representative of Finland.¹⁵⁹

Finally, the President of the Council drew attention to eight letters from the representative of Lebanon in which the Government of Lebanon rejected responsibility for the events of 12 July 2006 on the Blue Line (its border with Israel), strongly condemned the Israeli aggressions and expressed its willingness to negotiate through the United Nations.¹⁶⁰

The Special Adviser to the Secretary-General provided an overview of the recent developments. In particular, he said that efforts to ensure the release of the Israeli soldier had thus far been unsuccessful and Israel's military operation had continued, killing many Palestinians and leading to a dramatic humanitarian situation as access into and out of Gaza was severely restricted. As regards his mission to the region regarding the conflict in Lebanon, he reported that the Prime Minister of Lebanon had insisted on the need for an immediate ceasefire but also affirmed that he was not in a position to negotiate a ceasefire as he had no involvement in the Hizbullah attacks. The Special Adviser also reported that the Prime Minister of Israel had stressed that Hizbullah, which was financed, armed and supported by its proxies the Syrian Arab Republic and the Islamic Republic of Iran, was fully responsible for initiating the conflict, and that military operations would continue until Hizbullah was weakened. Only afterwards would Israel welcome a political framework that ensured no return to the status quo ante. The Special Adviser finally said that it was urgent to secure a cessation of hostilities and develop a political

framework that would pave the way for a full and durable ceasefire. On that front, while the Government of Lebanon insisted that any step to defuse the crisis would require a Lebanese consensus, the Government of Israel was adamant that the prisoners be returned first. Finally, he said that the President of the Palestinian Authority had stressed the need to delink the crisis in Gaza from the one in Lebanon.¹⁶¹

The Under-Secretary-General for Humanitarian Affairs reported that the humanitarian crisis in Lebanon continued to worsen with many civilian deaths, widespread destruction of public infrastructure and overwhelmed hospitals. He detailed the work of United Nations humanitarian agencies to respond to the crisis and requested the acceptance and guarantee by Israel of humanitarian corridors into and out of Lebanon. A humanitarian flash appeal would also address the most pressing humanitarian concerns for a period of three months.¹⁶²

The representative of Palestine first regretted the inaction of the Council regarding the situation in Gaza, which led to an increasing death toll. He called on the Council to condemn the Israeli actions, and to ensure an immediate cessation of hostilities, the withdrawal of Israeli forces, and the release of all Palestinian officials held by Israel.¹⁶³

The representative of Israel again asserted that the State of Israel had been attacked without any provocation by Hamas in Gaza and by Hizbullah in Lebanon, both terrorist organizations. He deplored the difficulty for the Israeli forces to distinguish Hizbullah militants from civilians, but expressed his Government's awareness of the humanitarian situation in Lebanon and announced that it had agreed to establish humanitarian corridors. Finally, he insisted that the international community needed to address terrorism in Lebanon and its sponsors before a cessation of hostilities could be contemplated.¹⁶⁴

The representative of Lebanon underlined that Lebanon was the victim of an aggression of a brutality that had gone beyond all previous similar acts. He appreciated the Secretary-General's support to Lebanon, called for an immediate ceasefire, and appealed to the international community to intervene immediately. He

¹⁵⁸ S/2006/491 and S/2006/548, dated 7 and 19 July 2006, respectively.

¹⁵⁹ S/2006/511, dated 12 July 2006.

¹⁶⁰ S/2006/518, S/2006/522, S/2006/528, S/2006/529, S/2006/531, S/2006/536, S/2006/537 and S/2006/550, dated 13, 14, 17, 18 and 19 July 2006.

¹⁶¹ S/PV.5493, pp. 3-6.

¹⁶² *Ibid.*, pp. 6-7.

¹⁶³ *Ibid.*, pp. 8-10.

¹⁶⁴ *Ibid.*, pp. 10-12.

also held Israel responsible for the humanitarian and economic catastrophe in Lebanon and hoped Israel would be forced to provide compensation.¹⁶⁵

Most Council members called for immediate Council action, arguing that the Council's legitimacy would be undermined if it remained silent. In particular, the representative of Qatar deplored Israel's excessive use of military force against Lebanon under the pretext of self-defence, and called on the Council to adopt a resolution forthwith. He stressed the need for an immediate ceasefire, for the lifting of the Israeli blockade of Lebanon, for emergency humanitarian assistance and for full support to the Government of Lebanon and its institutions.¹⁶⁶ Several Council members condemned Hizbullah's attacks and recognized Israel's right to self-defence but also criticized Israel for reacting with excessive force.¹⁶⁷

The representative of the United Kingdom emphasized the need to create the necessary conditions for a lasting and effective ceasefire and expressed concern about the role of the Syrian Arab Republic and the Islamic Republic of Iran, calling on them to stop supporting Hizbullah and interfering in Lebanon.¹⁶⁸ Several other Council members noted that a comprehensive and lasting solution to the underlying problems was necessary for creating the conditions for a lasting ceasefire. In this regard, implementation of resolution 1559 (2004) was crucial and the return to the status quo ante was impossible.¹⁶⁹ In particular, the representative of France stressed that it was "highly unlikely" that Hizbullah would be eliminated by force, adding that a strong Lebanese government would be essential.¹⁷⁰

The representative of the United States for his part insisted that lasting solutions to bring permanent peace in the Middle East were critical, in particular tackling terrorism and its sponsors in Tehran and Damascus. He said that if the Council was simply adopting stopgap measures without really addressing the violence it would be a "disservice" as Hizbullah would probably not

honour the ceasefire. Finally, he indicated that his country was studying ideas to secure implementation of resolution 1559 (2004), including the deployment of an international stabilization force and how it would be empowered to deal with arms shipments to Hizbullah.¹⁷¹

During the debate, almost all non-members called for some Council action to respond to the crisis. Some speakers condemned all forms of violence including abductions and attacks against civilians.¹⁷² In particular, the representative of Switzerland reminded the parties to the conflict that international humanitarian law prohibited attacks on civilians and on civilian property,¹⁷³ and the representative of Guatemala said that the parties had a responsibility to protect civilians.¹⁷⁴ While several speakers condemned the attacks conducted by Hizbullah and called for the release of all abducted soldiers,¹⁷⁵ others focused specifically on Israel's military actions against the Lebanese and the Palestinian people and held that Israel's occupation of Arab land remained the root of the problem.¹⁷⁶ Some speakers referred to Israel's actions as "State terrorism"¹⁷⁷ and called on the Council to specifically pressure Israel to put an end to the aggression and to hold it accountable.¹⁷⁸ Many others recognized Israel's right to self-defence but called on it to exercise restraint.¹⁷⁹ Some of those

¹⁷¹ S/PV.5493, pp. 16-17.

¹⁷² S/PV.5493 (Resumption 1), p. 17 (Malaysia); p. 18 (Switzerland); p. 24 (Jordan); p. 33 (New Zealand); p. 34 (India); p. 40 (Guatemala); and p. 45 (Viet Nam).

¹⁷³ *Ibid.*, p. 18.

¹⁷⁴ *Ibid.*, p. 40.

¹⁷⁵ *Ibid.*, p. 16 (Finland); p. 19 (Brazil); p. 27 (Australia); p. 32 (Djibouti); p. 33 (New Zealand); p. 34 (India); p. 35 (Chile); p. 40 (Guatemala); and p. 45 (Mexico).

¹⁷⁶ S/PV.5493 (Resumption 1), p. 14 (Syrian Arab Republic); p. 20 (Saudi Arabia); p. 21 (Algeria); p. 22 (Egypt); p. 24 (Jordan); p. 25 (Indonesia); p. 26 (League of Arab States); p. 29 (Morocco); p. 30 (Islamic Republic of Iran); p. 36 (Venezuela, Bolivarian Republic of); p. 38 (Sudan); p. 42 (Committee on the Exercise of the Inalienable Rights of the Palestinian People, United Arab Emirates); and p. 44 (South Africa, Pakistan).

¹⁷⁷ *Ibid.*, p. 15 (Syrian Arab Republic); p. 21 (Algeria); p. 30 (Islamic Republic of Iran); and p. 38 (Sudan).

¹⁷⁸ *Ibid.*, p. 14 (Syrian Arab Republic); p. 21 (Algeria); and p. 43 (United Arab Emirates).

¹⁷⁹ *Ibid.*, p. 16 (Finland); p. 18 (Switzerland); p. 23 (Norway); p. 28 (Turkey); p. 32 (Djibouti); p. 39 (Canada); p. 41 (Guatemala); and p. 42 (United Arab Emirates).

¹⁶⁵ *Ibid.*, pp. 12-14.

¹⁶⁶ *Ibid.*, pp. 14-15.

¹⁶⁷ *Ibid.*, p. 20 (China); S/PV.5493 (Resumption 1), p. 2 (Russian Federation); p. 3 (Greece); p. 6 (United Kingdom); p. 9 (Argentina); and p. 11 (France).

¹⁶⁸ S/PV.5493 (Resumption 1), p. 6.

¹⁶⁹ S/PV.5493, p. 17 (Japan); S/PV.5493 (Resumption 1), p. 7 (Denmark); p. 9 (Argentina); and p. 11 (France).

¹⁷⁰ S/PV.5493 (Resumption 1), p. 11.

speakers deplored Israel's reaction as disproportionate and amounting to collective punishment.¹⁸⁰

The representatives of the United Kingdom, Australia, New Zealand and Canada specifically called on the Syrian Arab Republic and the Islamic Republic of Iran, or on "States with influence" to stop interfering into the internal affairs of Lebanon and providing help to Hizbullah.¹⁸¹ The representatives of the Syrian Arab Republic and the Islamic Republic of Iran both denied these accusations.¹⁸²

Regarding the humanitarian situation many speakers expressed concern and called for humanitarian assistance, including the establishment of humanitarian corridors as requested by the Under-Secretary-General, as well as the lifting of the Israeli blockade on Lebanon.¹⁸³

Finally, regarding possible solutions to the current crisis, speakers almost unanimously called for an immediate ceasefire. However, many concurred that a return to diplomacy was essential as only a political process, including the resumption of the Middle East peace process, could bring lasting peace to the region.¹⁸⁴ The representative of Egypt, in particular, insisted that negotiations on a permanent settlement of the crisis first required a firm decision by the Council for an immediate and comprehensive ceasefire on both the Lebanese and Palestinian fronts.¹⁸⁵ A few speakers supported the idea of a reinforced international security and monitoring presence in Lebanon. The representative of Switzerland proposed that this presence be given the mandate to guarantee the ceasefire, secure the Israeli-Lebanese border, facilitate a negotiated settlement of

territorial disputes, and temporarily take control of the Shab'a farms area.¹⁸⁶ The representative of Canada urged that it be accompanied by a political framework with the aim of creating conditions for stability. Lastly, many speakers stressed that the Lebanese State needed to reinforce its sovereignty and that resolution 1559 (2004) had to be implemented in full, in particular the disarmament of irregular forces operating in Lebanon.¹⁸⁷

Deliberations of 22 August 2006 (5515th meeting)

At its 5515th meeting, on 22 August 2006, the Council heard a briefing on the situation in the region by the Under-Secretary-General for Political Affairs, followed by a debate in which all Council members made statements, as did the representatives of Algeria, Brazil, Canada, Finland (on behalf of the European Union), the Islamic Republic of Iran, Israel, Lebanon, Norway, Pakistan, the Sudan and the Syrian Arab Republic.

The Under-Secretary-General said that the vision of a two-State solution had slipped further away during the past year, in particular because of increasing violence and the creation of facts on the ground that would prejudice final status issues. In addition, while President Abbas had respected his platform for peace, the Hamas-led Palestinian Authority had not fully committed itself to the basic principles of the peace process. As for Israel, the Government had failed to implement its Quartet road map obligations. He expressed concern about the Palestinian economic situation and referred to Israeli closures and restrictions on movement as the largest obstacle to economic growth. He stressed that the root cause of the region's problems was the absence of a comprehensive solution and added that the recent tragedy in Lebanon should be converted into an opportunity to resolve the region's long-standing problems.¹⁸⁸

The representative of Palestine regretted that the 15-year-old peace process had not fulfilled its goals. He asserted that the situation had clearly deteriorated for the Palestinian people. He welcomed the intention of the Arab Foreign Ministers to seek a high-level Security Council meeting on the Palestinian question

¹⁸⁰ Ibid., p. 18 (Switzerland); p. 23 (Norway); p. 32 (Djibouti); p. 41 (Guatemala); and p. 42 (United Arab Emirates).

¹⁸¹ S/PV.5493, p. 6 (United Kingdom); S/PV.5493 (Resumption 1), p. 27 (Australia); p. 33 (New Zealand); and p. 39 (Canada).

¹⁸² S/PV.5493 (Resumption 1), pp. 15 and 31, respectively.

¹⁸³ Ibid., p. 16 (Finland); p. 19 (Brazil); p. 21 (Algeria); p. 23 (Egypt, Norway); p. 26 (Indonesia, League of Arab States); p. 29 (Morocco); p. 39 (Sudan); p. 40 (Guatemala); p. 43 (United Arab Emirates); p. 44 (Pakistan); and p. 45 (Viet Nam, Mexico).

¹⁸⁴ Ibid., p. 16 (Finland); p. 19 (Brazil); p. 23 (Egypt, Norway); p. 25 (Jordan); p. 26 (Indonesia, League of Arab States); p. 30 (Morocco); p. 35 (Chile, India); p. 40 (Guatemala); p. 43 (United Arab Emirates); and p. 45 (Viet Nam).

¹⁸⁵ Ibid., p. 23.

¹⁸⁶ Ibid., p. 18.

¹⁸⁷ Ibid., p. 16 (Finland); p. 27 (Australia); p. 39 (Canada); p. 43 (United Arab Emirates); and p. 46 (Mexico).

¹⁸⁸ S/PV.5515, pp. 2-5.

with a view to moving towards the implementation of relevant Council resolutions.¹⁸⁹

The representative of Israel declared that his country had been conscious of the humanitarian situation in Gaza but that it would be wrong to divert the Council's attention from the implementation of resolution 1701 (2006), as the resolution was the last opportunity for Lebanon to prevent Hizbullah from acting as "a State within a State".¹⁹⁰

The representative of Lebanon, for her part, deplored the fact that since the adoption of resolution 1701 (2006) Israel had continued its aggression, including air violations. She called on the Council to expedite the expansion and deployment of the United Nations Interim Force in Lebanon (UNIFIL) and to ensure Israeli compliance with its decisions.¹⁹¹

Most speakers agreed that the continued suffering of the Palestinians should not be overshadowed by the recent conflict in Lebanon. Several speakers reaffirmed that the Palestinian problem had been the core of all crises in the region, adding that unless it was resolved other problems would remain.¹⁹² However, the key issue for the representative of the United States was that Hamas had rejected peace by not abiding by the Quartet principles.¹⁹³ By contrast, the representatives of the Islamic Republic of Iran, Pakistan and the Syrian Arab Republic stressed that the central problem was the Israeli occupation of Arab lands.¹⁹⁴

A number of speakers welcomed the fact that the cessation of hostilities between Israel and Hizbullah had been generally maintained,¹⁹⁵ but many others voiced concern at the fragility of the situation on the ground, owing in part to an Israeli raid into the Bekaa valley, Lebanon, on 19 August 2006.¹⁹⁶ Because an

illegal arms shipment had been the target during that operation, some said that it had underlined the importance of the full implementation of resolution 1701 (2006), in particular the arms embargo on Lebanon.¹⁹⁷ The representative of the United States insisted that resolution 1701 (2006) guaranteed Israel's right to self-defence and added that the arms embargo must be upheld by the Syrian Arab Republic and the Islamic Republic of Iran.¹⁹⁸

Several speakers urged both Hizbullah and Israel to refrain from any action that might complicate the situation.¹⁹⁹ The representative of the Russian Federation observed that joint actions by the international community were needed to de-escalate tensions.²⁰⁰ In addition, many delegations urged Israel to immediately lift its air and sea blockade on Lebanon, the representative of Qatar urging the Council to specifically make this request.²⁰¹ The representative of Brazil expressed the hope that donors would step up their support for Lebanon at the conference to be held on 31 August 2006 in Stockholm.²⁰²

Deliberations of 21 September 2006 (5530th meeting)

By a letter dated 30 August 2006 to the President of the Security Council,²⁰³ the Permanent Observer of the League of Arab States transmitted two decisions adopted by the Council of the League of Arab States at a ministerial meeting in Cairo on 20 August 2006 calling on the Security Council to exert pressure on Israel for the immediate lifting of the air, land and sea

¹⁸⁹ Ibid., pp. 22-24.

¹⁹⁰ Ibid., pp. 24-27.

¹⁹¹ Ibid., pp. 27-29.

¹⁹² Ibid., p. 6 (Russian Federation); p. 9 (China); p. 19 (Qatar); and p. 22 (Palestine).

¹⁹³ Ibid., p. 8.

¹⁹⁴ Ibid., pp. 32, 37 and 39, respectively.

¹⁹⁵ Ibid., p. 5 (Argentina); p. 7 (Russian Federation); p. 8 (China); p. 9 (United Kingdom); p. 11 (Denmark); p. 12 (France); p. 13 (Japan); p. 15 (United Republic of Tanzania); p. 16 (Peru); p. 17 (Slovakia); p. 27 (Norway); p. 29 (Finland); and p. 33 (Canada).

¹⁹⁶ S/PV.5515, p. 5 (Argentina); p. 11 (Denmark); p. 12 (France); p. 13 (Japan); p. 15 (United Republic of Tanzania); p. 16 (Peru); p. 17 (Slovakia); p. 19 (Qatar,

Congo); p. 21 (Ghana); p. 27 (Lebanon); p. 29 (Finland); p. 31 (Islamic Republic of Iran); p. 32 (Brazil); p. 33 (Canada); p. 34 (Sudan); p. 35 (Algeria); and p. 36 (Pakistan).

¹⁹⁷ Ibid., p. 5 (Argentina); pp. 7-8 (United States); p. 11 (Denmark); p. 12 (France); p. 15 (United Republic of Tanzania); p. 21 (Ghana); p. 26 (Israel); and p. 33 (Canada).

¹⁹⁸ Ibid., pp. 7-8.

¹⁹⁹ Ibid., p. 9 (China); p. 10 (United Kingdom, Denmark); p. 12 (France); p. 13 (Japan); and p. 17 (Slovakia).

²⁰⁰ Ibid., p. 7.

²⁰¹ Ibid., p. 6 (Argentina); p. 9 (China); p. 10 (United Kingdom); p. 12 (France); p. 16 (United Republic of Tanzania); p. 19 (Qatar); p. 21 (Ghana); p. 28 (Lebanon); p. 29 (Finland); p. 31 (Islamic Republic of Iran); and p. 36 (Pakistan).

²⁰² Ibid., p. 33.

²⁰³ S/2006/700.

blockage imposed on Lebanon, and supporting the “seven-point plan” to end the conflict in Lebanon presented by the Government of Lebanon on 26 July 2006.²⁰⁴ The League of Arab States also requested a Council meeting at the ministerial level to consider the settlement of the Arab-Israeli conflict on all tracks.

At its 5530th meeting, held on 21 September 2006 in response to that request, the Council included the above-mentioned letters in its agenda. Statements were made by the Foreign Ministers of all Council members and the United States Secretary of State, in addition to the Foreign Minister of Bahrain (on behalf of the League of Arab States), the Foreign Minister of Finland (on behalf of the European Union), the President of the Palestinian Authority, the representative of Israel and the Secretary-General.

The Secretary-General affirmed that recent events in the region proved that the problems were all interconnected and that it was dangerous to leave the Arab-Israeli conflict unresolved. He welcomed the vital role played by the Council in the search for peace with the adoption of resolution 1701 (2006) and stressed that the problem of Israel and Palestine was at the heart of the conflict. He emphasized that large majorities of Israelis and Palestinians desired peace and understood that there was no military solution to the conflict. He called on the Quartet and the Council to work together to put in place a credible political process based on dialogue, parallel implementation of obligations and clarity as to the end goals.²⁰⁵

The representative of Bahrain stressed that the Arab-Israeli conflict was exhausting the resources of the region and creating instability. In order to revive the peace process, the Arab League proposed that the Council agree to, *inter alia*, initiate negotiations between the parties based on agreed terms of reference, with a set time frame and under its auspices; request the Secretary-General to prepare a report on appropriate mechanisms for resuming direct negotiations, including options for format, guarantees, time limits, parameters and the role of the Security Council and other third parties, and submit that report

to the Council; and reconvene at the ministerial level in order to consider further measures.²⁰⁶

Highlighting his country’s commitment to peace, the representative of Israel said that the Israeli-Palestinian conflict was the consequence, not the cause, of an ideology of intolerance that had plagued the region and had now taken control of the Palestinian Authority through Hamas. He stressed that any progress should begin with the release of Israeli hostages and the end of terrorist attacks.²⁰⁷

Speakers unanimously affirmed the need to reinvigorate the Middle East peace process, reiterated their support to the Quartet’s efforts towards the two-State vision and welcomed the outcome of the Quartet meeting of 20 September 2006, which had identified measures to build confidence between the parties. The representatives of France and the Russian Federation specifically called for the convening of an international conference on the Middle East, which could be held in the context of the initiative of the League of Arab States and pave the way for a new regional framework for collective security and economic integration.²⁰⁸ Many speakers also welcomed the anticipated formation of a Palestinian Government of National Unity and advocated for providing President Abbas with vigorous support.²⁰⁹ The United States Secretary of State reaffirmed that the Palestinian Authority had to commit itself to the Quartet principles: renouncing terror, recognizing Israel’s right to exist and accepting previous peace agreements.²¹⁰

Most speakers also voiced their concern at the dire humanitarian situation in the Palestinian territory, particularly in Gaza, urged the immediate re-establishment of international aid and called on the Israeli authorities to transfer the withheld Palestinian tax and Customs revenues. The United States Secretary of State noted that her government had increased its direct assistance to \$468 million and had agreed to expand the Temporary International Mechanism to

²⁰⁴ The “seven-point plan” was transmitted to the Council by the representative of Lebanon in a letter dated 11 August 2006 (S/2006/639).

²⁰⁵ S/PV.5530, pp. 2-3.

²⁰⁶ *Ibid.*, pp. 3-5.

²⁰⁷ *Ibid.*, pp. 5-6.

²⁰⁸ *Ibid.*, pp. 12 and 16, respectively.

²⁰⁹ *Ibid.*, p. 3 (Secretary-General); p. 7 (Qatar); p. 8 (Denmark); p. 9 (Ghana); p. 10 (Peru); p. 12 (France); p. 13 (United Kingdom); p. 14 (Slovakia); p. 15 (Argentina); p. 16 (Russian Federation); p. 17 (United Republic of Tanzania); p. 20 (Japan); p. 21 (Greece); and p. 22 (Finland).

²¹⁰ *Ibid.*, p. 18.

ensure that the Palestinian people received that assistance.²¹¹ While the representatives of Slovakia and Finland called for the opening of the Rafah and Karni border crossings,²¹² the representative of China encouraged Israel to lift its blockade against Palestine, dismantle the separation wall and facilitate the supply of humanitarian assistance to Palestine.²¹³

On the Lebanese track, most delegations called for the full implementation of resolution 1701 (2006), in particular the deployment of the reinforced UNIFIL, the need for the Government of Lebanon to extend its sovereign authority throughout the country, and the release of the abducted Israeli soldiers. The representative of the Russian Federation also observed that the Syrian track needed to be brought back to life. He said that his recent contacts with the Syrian leadership had given him the impression that Damascus was interested in establishing peace.²¹⁴

At the close of the meeting, President Abbas stated that the Palestinian Authority was fully committed to peace through negotiations, international legitimacy, the road map and to living with its neighbours in peace and security.²¹⁵

Deliberations of 19 October 2006 (5552nd meeting)

At its 5552nd meeting, on 19 October 2006,²¹⁶ the Council heard a briefing by the Special Coordinator for the Middle East Peace Process. Following the briefing, all Council members made statements, as did the representatives of Bahrain (on behalf of the League of Arab States), Cuba (on behalf of the Movement of Non-Aligned Countries), Finland (on behalf of the European Union), Israel, the Islamic Republic of Iran and the Syrian Arab Republic and the Permanent Observer of Palestine.

The Special Coordinator first stated that at the heart of the conflict in the Middle East was the problem of Israel and Palestine. He deplored the

intensification of Israeli military operations in Gaza leading to many deaths and regretted that neither the violence nor the diplomatic efforts, led by Egypt, had led to the release of the captured Israeli soldiers and the cessation of rocket attacks against Israel. He noted that Israeli intelligence claimed that weapons had recently been smuggled into Gaza through tunnels. He then reported on the political crisis within the Palestinian Authority and the failure of the President and the Prime Minister to implement an agreement to form a national unity government. He warned that Palestinian society was teetering between national unity and civil conflict as tensions between Palestinian Authority security forces and Hamas militants led to armed clashes. The Special Coordinator welcomed the European Commission's renewal and expansion of the Temporary International Mechanism and encouraged the implementation of the Agreement on Movement and Access, which would allow the Palestinian economy to recover. Finally, the Special Coordinator noted that although the Prime Minister of Israel, Ehud Olmert, expressed an interest in holding direct talks with Lebanon, the Prime Minister of Lebanon, Fouad Siniora, had refused. Similarly, although the President of the Syrian Arab Republic had expressed his desire to negotiate with Israel to secure the return of the Golan Heights, the Prime Minister of Israel held that the Golan Heights would remain within Israel. He reaffirmed that peace between Israel and Palestine, the Syrian Arab Republic and Lebanon were part of the United Nations goal of comprehensive peace in the region and warned against a compartmentalized approach.²¹⁷

All speakers expressed concern about the violence and concurred that the peace process should be revived on the basis of previously agreed principles, including a two-State solution, the land-for-peace formula, the road map and relevant Security Council resolutions. Several speakers expressed support for the Palestinian President's efforts to form a government of national unity in order to restore law and order and improve the political climate,²¹⁸ but the representative of the United Kingdom specifically blamed Hamas for the failure to establish that government, and reaffirmed

²¹¹ *Ibid.*, p. 18.

²¹² *Ibid.*, pp. 14 and 22, respectively.

²¹³ *Ibid.*, p. 11.

²¹⁴ *Ibid.*, p. 16.

²¹⁵ *Ibid.*, p. 23.

²¹⁶ For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

²¹⁷ S/PV.5552, pp. 2-5.

²¹⁸ *Ibid.*, p. 8 (Denmark); p. 9 (Congo); p. 10 (United States); p. 11 (Peru); p. 12 (France); p. 17 (Slovakia, Greece); p. 18 (Argentina); p. 19 (Japan); and p. 26 (Finland).

that President Abbas was the main partner for peace.²¹⁹ A few speakers urged the Palestinian leadership to bring an end to violence and terrorist activities, including the firing of rockets into Israeli territory,²²⁰ while others called on Israel to end disproportionate military operations and its violations of international humanitarian law.²²¹ To alleviate the economic crisis in the Palestinian territory, the representative of the United Kingdom, echoed by others, urged the international community to continue using the Temporary International Mechanism to channel financial assistance to Palestinians.²²²

Regarding the situation in Lebanon, while welcoming the progress made so far, most speakers reiterated that resolution 1701 (2006) must be fully implemented and that the two Israeli soldiers needed to be released immediately. The representatives of the United Kingdom, Slovakia and the United States urged the Syrian Arab Republic and the Islamic Republic of Iran to comply with the arms embargo regime,²²³ while the representative of Denmark stated that the Syrian Arab Republic “must constructively play along”.²²⁴ Several speakers expressed concern about the continued existence of armed groups in Lebanon, threatening the State monopoly on the legitimate use of force, and urged for their disarmament.²²⁵ There were also concerns about violations of Lebanese airspace by the Israel Defense Forces.²²⁶

The representative of Palestine called on the Council to put an end to Israeli violence and protect civilians. He also affirmed that the Palestinians had chosen peace and called on Israel to make the same choice.²²⁷

While noting that the situation along the northern border had begun to stabilize, the representative of Israel for his part expressed concern about the smuggling of arms across the border between Lebanon and the Syrian Arab Republic. He also reiterated that his country would not enter into dialogue with Hamas before the latter had recognized the Quartet principles.²²⁸

The representative of the Syrian Arab Republic denied allegations that weapons were being smuggled across its border with Lebanon and reiterated its commitment to the implementation of resolution 1701 (2006). He also stressed that without the restoration of the occupied Golan Heights to his country Israel would never enjoy peace.²²⁹

Decision of 11 November 2006 (5564th meeting): rejection of a draft resolution

By letters dated 6, 7 and 8 November 2006 addressed to the President of the Security Council, the representative of Qatar, in his capacity as Chairman of the Group of Arab States and on behalf of the members of the League of Arab States, the representative of Azerbaijan on behalf of the Organization of the Islamic Conference, and the representative of Cuba, on behalf of the Movement of Non-Aligned Countries, respectively, requested an urgent Council meeting to consider the situation in the Middle East, including the Palestinian question.²³⁰

At its 5564th meeting, held on 9 November 2006 in response to those requests, the Council included the above-mentioned letters in its agenda. The Assistant Secretary-General for Political Affairs briefed the Council on the situation in the region, following which statements were made by all Council members and the representatives of Algeria, Azerbaijan (on behalf of OIC), Brazil, Cuba (on behalf the Movement of Non-Aligned Countries), Egypt, Finland (on behalf of the European Union), Indonesia, the Islamic Republic of Iran, Israel, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Morocco, Norway, Pakistan, Saudi Arabia, South Africa, Spain, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen, the Permanent Observer of Palestine, the Chairman of the Committee on the

²¹⁹ Ibid., p. 7.

²²⁰ Ibid., p. 4 (Special Coordinator for the Middle East Peace Process); p. 12 (France); p. 16 (Slovakia); p. 24 (Israel); and p. 26 (Finland).

²²¹ Ibid., p. 12 (France); p. 18 (Argentina); p. 21 (Palestine); p. 27 (Cuba); p. 29 (Syrian Arab Republic); and p. 31 (Islamic Republic of Iran).

²²² Ibid., p. 7 (United Kingdom); p. 12 (France); p. 17 (Slovakia); and p. 27 (Finland).

²²³ Ibid., p. 7 (United Kingdom); p. 10 (United States); and p. 16 (Slovakia).

²²⁴ Ibid., p. 8.

²²⁵ Ibid., p. 11 (Peru); p. 16 (Slovakia); p. 19 (Argentina); and p. 20 (Japan).

²²⁶ Ibid., p. 9 (Congo); p. 13 (Russian Federation); p. 19 (Argentina); and p. 26 (Bahrain).

²²⁷ Ibid., pp. 20-23.

²²⁸ Ibid., pp. 23-25.

²²⁹ Ibid., pp. 29-31.

²³⁰ S/2006/868, S/2006/869 and S/2006/871, respectively.

Exercise of the Inalienable Rights of the Palestinian People and the Permanent Observer of the League of Arab States.

The Assistant Secretary-General reported on an incident that occurred on 8 November 2006 during which Israeli forces shelled an area in Beit Hanoun, killing many Palestinian civilians. This occurred following a weeklong Israeli military operation in northern Gaza aimed at preventing the launching of rockets into Israel. She said that the Secretary-General had expressed shock about the incident. While the United Nations condemned the Palestinian rocket fire, it also reminded both sides of their obligation under international humanitarian law regarding the protection of civilians.²³¹

The representative of Palestine condemned Israeli “State terrorism” and “war crimes”, which had killed Palestinian civilians. He deplored the fact that the international community, particularly the Council, had failed to protect them, adding that the failure had created a culture of impunity in Israel. He called for a prompt investigation into the Beit Hanoun tragedy, as well as a mutual ceasefire monitored by a United Nations observer force and for the withdrawal of Israeli forces to the positions held prior to 28 June 2006.²³²

While regretting the civilian deaths, the representative of Israel maintained that the “accidental killing” in Beit Hanoun would have never happened had the Palestinians stopped firing rockets into Israel. He noted that his country, unsuccessfully, had alerted the Council of the rising threat in Gaza and had given moderate Palestinians enough time to take action. He said that the Palestinian Authority should be held accountable for what happened on its territory, and urged the moderate Palestinian leadership to take control. Turning to Lebanon, the representative stressed that despite recent positive developments in the south, lasting peace could only be achieved by fully implementing resolution 1701 (2006). He continued to express concern for the smuggling of arms across the border between Lebanon and the Syrian Arab Republic.²³³

Most speakers expressed deep concern at the recent escalation of violence in the Gaza Strip, in

²³¹ S/PV.5564, pp. 3-4.

²³² *Ibid.*, pp. 4-6.

²³³ *Ibid.*, pp. 6-8.

particular the incident in Beit Hanoun. Some speakers pointed out that the incident was even more worrisome as it occurred following the withdrawal announcement by Israel. On the other hand, the representative of the United States recalled attacks on Israel, adding that it was the responsibility of the Hamas-led Government to prevent terrorist attacks against Israel from the Palestinian territories. Many speakers also called for a cessation of Palestinian rocket attacks.²³⁴ The representative of Saudi Arabia urged Israel to resume negotiations in a context of simultaneous parallel commitments from the Palestinian side to stop the launching of rockets and the cessation of all Israeli military operations.²³⁵

Most speakers stressed that recent Israeli military operations in Gaza were disproportionate and constituted grave violations of international humanitarian law.²³⁶ In particular, the representative of the United Kingdom noted that it was difficult to understand what the action in Beit Hanoun had meant to achieve or how it could be justified.²³⁷

While many speakers welcomed the announcement by Israel that an investigation into the incident in Beit Hanoun would be conducted,²³⁸ others called for an

²³⁴ *Ibid.*, p. 10 (Ghana); p. 11 (France); p. 12 (Slovakia); p. 13 (United Republic of Tanzania, United States); p. 15 (Denmark); p. 16 (United Kingdom); p. 17 (Russian Federation); p. 18 (China, Argentina); p. 19 (Japan); p. 22 (Finland); S/PV.5564 (Resumption 1), p. 4 (Pakistan); p. 8 (Norway); p. 10 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 16 (Indonesia); p. 20 (Brazil, South Africa); and p. 21 (Israel).

²³⁵ S/PV.5564, p. 24.

²³⁶ *Ibid.*, p. 9 (Qatar); p. 11 (France); p. 12 (United Republic of Tanzania); p. 14 (Congo); p. 15 (Greece, Denmark); p. 17 (Russian Federation); p. 18 (Argentina); p. 20 (Peru); p. 21 (Cuba); p. 22 (Finland); p. 25 (Saudi Arabia); S/PV.5564 (Resumption 1), p. 2 (Azerbaijan); p. 3 (Pakistan); p. 5 (Sudan); p. 6 (Morocco); p. 8 (Norway); p. 9 (Algeria); p. 10 (Committee on the Exercise of the Inalienable Rights of the Palestinian People); p. 11 (United Arab Emirates); p. 12 (League of Arab States); p. 13 (Kuwait); p. 15 (Islamic Republic of Iran); p. 16 (Indonesia); p. 17 (Syrian Arab Republic); p. 19 (Libyan Arab Jamahiriya); and p. 20 (Brazil).

²³⁷ S/PV.5564, p. 16.

²³⁸ *Ibid.*, p. 4 (Assistant Secretary-General); p. 11 (Ghana); p. 13 (United Republic of Tanzania, United States); p. 15 (Greece, Denmark); p. 16 (United Kingdom); p. 18 (China); p. 19 (Japan); and p. 24 (Egypt).

independent investigation.²³⁹ In particular, the representative of France expressed his wish to see the Secretary-General set out the parameters for an independent inquiry.²⁴⁰ The Permanent Observer of the League of Arab States supported this call and hoped that the fact-finding commission would report back to the Council.²⁴¹ Many speakers urged the Council to dispatch an international observer mission, a monitoring mechanism or even a civilian protection force to the Palestinian territories.²⁴² The representative of Malaysia also proposed that the Council establish an interposing international protection mechanism.²⁴³

Several speakers stressed the importance of confidence-building measures to facilitate the resumption of the peace process.²⁴⁴ In that regard, most Council members called for the immediate and unconditional release of the kidnapped Israeli soldier, while most non-members urged Israel to release members of the Palestinian Cabinet and legislature, detained in Israel.

The representative of Qatar, in his capacity as Chairman of the Group of Arab States, called on the Council to assume its responsibilities for the maintenance of international peace and security. He urged the Secretary-General to prepare a report, to be submitted to the Council, on Israel's ongoing aggression in the occupied Palestinian territories, and called for an immediate ceasefire and the dispatch of an international observer force. He asked the Council to revive the stagnant Middle East peace process on all tracks. He called for full guarantees and incentives for all parties to implement previous peace agreements and

for the removal of obstacles to a lasting and comprehensive peace. He noted that a draft resolution prepared by the Arab Group in this regard was before the Council.²⁴⁵ A number of speakers expressed their support for that draft resolution.

The Council held its 5565th meeting on 11 November 2006²⁴⁶ to consider a draft resolution submitted by Qatar,²⁴⁷ by which the Council, *inter alia*, would call upon Israel to cease its military operations and to withdraw its forces from within the Gaza Strip to positions held prior to 28 June 2006; call for an immediate halt of all acts of violence between the Israeli and Palestinian sides; request the Secretary-General to establish a fact-finding mission on the attack in Beit Hanoun within 30 days; call upon Israel to abide by its obligations under the Fourth Geneva Convention and on the Palestinian Authority to bring an end to violence, including the firing of rockets into Israeli territory; call for the provision of emergency humanitarian assistance to Palestinian people; call upon the international community to stabilize the situation, including through the establishment of an international mechanism for protection of civilians; call upon the parties to take immediate steps including confidence-building measures, with the objective of resuming peace negotiations; and request the Secretary-General to report back to the Council on the implementation of the resolution in a timely manner.

At the meeting, the representatives of the Congo, Denmark, Japan, Qatar, Slovakia, the United Kingdom and the United States and the Permanent Observer of Palestine made statements.

The draft resolution was put to the vote and was not adopted, owing to the negative vote of the representative of the United States. The representatives of Denmark, Japan, Slovakia and the United Kingdom abstained.

The representative of the United States held that the draft resolution was unbalanced, biased against Israel and politically motivated. He deplored the fact that there was no reference to terrorism in it nor a condemnation of Hamas, and added that there was no need for the establishment of a fact-finding mission or

²³⁹ *Ibid.*, p. 9 (Qatar); p. 11 (France); p. 13 (United Republic of Tanzania); p. 14 (Congo); p. 18 (Argentina); p. 26 (Lebanon); S/PV.5564 (Resumption 1), p. 3 (Pakistan); p. 11 (United Arab Emirates); p. 12 (League of Arab States); and p. 20 (Brazil).

²⁴⁰ S/PV.5564, p. 11.

²⁴¹ S/PV.5564 (Resumption 1), p. 12.

²⁴² S/PV.5564, p. 9 (Qatar); p. 11 (France); p. 21 (Cuba); p. 23 (Yemen), p. 24 (Egypt), p. 26 (Lebanon); p. 27 (Malaysia); S/PV.5564 (Resumption 1), p. 3 (Azerbaijan); p. 4 (Tunisia); p. 6 (Morocco); p. 12 (United Arab Emirates); p. 13 (Kuwait); p. 19 (Libyan Arab Jamahiriya); and p. 21 (South Africa).

²⁴³ S/PV.5564, p. 27.

²⁴⁴ *Ibid.*, p. 12 (Slovakia); p. 14 (Congo); p. 22 (Cuba); p. 27 (Malaysia); S/PV.5564 (Resumption 1), p. 2 (Azerbaijan); p. 4 (Pakistan); p. 6 (Morocco); and p. 20 (Brazil).

²⁴⁵ S/PV.5564, p. 9.

²⁴⁶ The letters from the representatives of Qatar, Azerbaijan and Cuba (S/2006/868, S/2006/869 and S/2006/871, respectively), were included in the agenda.

²⁴⁷ S/2006/878.

an international civilian protection mechanism.²⁴⁸ The representative of the United Kingdom called on Israel to avoid harming civilians, and on the Palestinian leadership to bring an end to terrorist activities; she further called on the Syrian Arab Republic to use its influence constructively on Syrian-based Hamas leaders. She added that the text was not sufficiently balanced and that it did not reflect the complexity of the situation.²⁴⁹ The same reasons were advanced by the representatives of Denmark, Japan and Slovakia for abstaining.²⁵⁰ The representatives of the Congo, Qatar and Palestine expressed their disappointment at the failure to adopt the draft resolution.²⁵¹

Deliberations of 21 November 2006 (5568th meeting)

At its 5568th meeting, on 21 November 2006,²⁵² the Council heard a briefing by the Under-Secretary-General for Political Affairs on the latest developments in the region. Following the briefing, all Council members made statements, as did the representatives of Cuba (on behalf of the Movement of Non-Aligned Countries), Finland (on behalf of the European Union), the Islamic Republic of Iran and Israel and the Permanent Observer of Palestine.

The Under-Secretary-General reported that, during a month of mounting violence, confrontations between the Israeli forces and Palestinian militants had led to casualties on both sides. He expressed scepticism that an agreement on a national unity government in Palestine would be reached, despite continued efforts to that end by the President of the Palestinian Authority. He added that the economic and humanitarian situation in the Gaza Strip remained dire since Israeli authorities had not fully implemented the Agreement on Movement and Access. He insisted that a return to the political track was essential, adding that the intervention of a third party might help push the parties to move beyond the current impasse. Regarding the broader peace process in the Middle East, he was of

the view that the Syrian Arab Republic could play a “critical” role in a number of areas.²⁵³

The representative of Palestine deplored the fact that the Council had, once again, let Palestinians down by failing to adopt the Qatar-sponsored draft resolution on 11 November 2006, and accused Israel of carrying out war crimes with a permanent member’s diplomatic protection. He reaffirmed that his government remained committed to a diplomatic solution to the crisis, and welcomed the recent initiative by France, Italy and Spain to revive the deadlocked peace process. Lastly, he reiterated his call for an immediate mutual ceasefire.²⁵⁴

The representative of Israel said that the situation on the ground could be changed “overnight” should the following happen: first, that the Syrian Arab Republic and the Islamic Republic of Iran stopped supporting terrorism; that Hamas accepted the Quartet principles; that Palestinian militias ceased attacking Israeli targets; and that the three kidnapped Israeli soldiers were freed.²⁵⁵

Most speakers expressed concern at the worsening situation in the occupied Palestinian territory and urged all parties concerned to take action towards a just, lasting and negotiated solution by reinvigorating the peace process based on the two-State solution, relevant Council resolutions and the road map. A majority of speakers urged Israel to stop using disproportionate force against Palestinian civilians, and urged Palestinians to make more efforts to halt rocket firing against Israel.

Some speakers expressed disappointment at the Council’s failure to adopt the Qatar-sponsored draft resolution.²⁵⁶ The representative of China urged the Council to reflect on how it could better fulfil its responsibility.²⁵⁷ The representative of Cuba observed that interested States had to resort to the General Assembly following the Council’s inaction, and adopted a similar resolution²⁵⁸ on 17 November 2006 at an emergency special session.²⁵⁹ While welcoming that resolution, the representative of Qatar pointed out

²⁴⁸ S/PV.5565, pp. 2-3.

²⁴⁹ *Ibid.*, p. 3.

²⁵⁰ *Ibid.*, pp. 3-4, p. 4 and pp. 4-5, respectively.

²⁵¹ *Ibid.*, p. 5.

²⁵² For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

²⁵³ S/PV.5568, p. 2-5.

²⁵⁴ *Ibid.*, pp. 6-8.

²⁵⁵ *Ibid.*, pp. 8-9.

²⁵⁶ *Ibid.*, p. 6 (Palestine); p. 15 (China, Qatar); and p. 26 (Cuba).

²⁵⁷ *Ibid.*, p. 15.

²⁵⁸ Resolution ES-10/16.

²⁵⁹ S/PV.5568, p. 26.

that it was not the adequate forum to address the problem, since the primary responsibility for maintaining world peace and security was in the hands of the Council.²⁶⁰ The representative of the United States held that it was yet another biased resolution that ignored the reality of the situation and did nothing to make progress towards peace in the region. She urged Member States to reject those “diplomatic theatrics” as “hastily-called meetings” and “polemical resolutions” were no substitute for the parties’ determination to take the needed steps towards peace.²⁶¹

Some speakers stressed that every possibility to involve regional stakeholders in the various peace processes under way in the region should be encouraged, and the Syrian Arab Republic was invited to become part of the solution.²⁶² The representative of the United States, however, expressed alarm at indications that the Syrian Arab Republic was working with Hizbullah and other Lebanese allies to destabilize the Government of Lebanon, and that it was not abiding by the arms embargo.²⁶³

The representative of Qatar indicated that his delegation would convene a ministerial-level Council meeting the following month to break the impasse of the Middle East peace process. He called on Member States, particularly Council members, to actively participate in the envisaged meeting.²⁶⁴

Deliberations of 25 January 2007 (5624th meeting)

At its 5624th meeting, on 25 January 2007, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the region. There were no additional statements.

The Under-Secretary-General said that the Secretary-General had presented his final report on the situation in the Middle East to the Council in December 2006.²⁶⁵ He noted that there had been

positive developments, including a renewed sense of international urgency to find a political way ahead, in particular initiatives to revitalize the Quartet, visits to the region by Quartet members and calls by the Syrian Arab Republic to resume negotiations with Israel. The Prime Minister of Israel, Ehud Olmert, and the President of the Palestinian Authority, Mahmoud Abbas, had met in Jerusalem on 23 December 2006 and agreed to resume the work of the quadripartite security committee comparing Israel, the Palestinian Authority, Egypt and the United States. In addition, the ceasefire of November 2006 had held and Israel had agreed to upgrade crossings between the Gaza Strip and Israel and transfer the held Palestinian revenues.

However, he noted that dialogue between the two parties was complicated because of the political situations in Israel and Palestine. He reported on acute factional tensions in the occupied Palestinian territories and on the difficulties of the Israeli coalition government in forging a clear agenda, owing to political scandals. Since the Palestinian legislative elections had brought the Hamas-led Palestinian Authority Government to power, donor programmes had been reassessed, but international aid to the Palestinians had actually increased as it was bypassing the Palestinian Government.²⁶⁶

Deliberations of 13 February 2007 (5629th meeting)

At its 5629th meeting, on 13 February 2007, the Council heard a briefing by the Special Coordinator for the Middle East Peace Process on the situation in the region. In addition to Council members, the representatives of Argentina, Azerbaijan (on behalf of OIC), Bangladesh, Cuba (on behalf of the Movement of Non-Aligned Countries), Germany (on behalf of the European Union), the Islamic Republic of Iran, Israel, Japan, Jordan, Kuwait (on behalf of the Group of Arab States), Lebanon, Malaysia, Morocco, Norway, Pakistan, Senegal, the Syrian Arab Republic, Turkey and Venezuela (Bolivarian Republic of), the Permanent Observer of Palestine and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People made statements.

included discussion of the Palestinian question. The Council also issued a presidential statement (S/PRST/2006/51). That meeting is covered in chapter VIII, section 33.E.

²⁶⁶ S/PV.5624.

²⁶⁰ Ibid., pp. 15-16.

²⁶¹ Ibid., p. 21.

²⁶² Ibid., p. 11 (Congo); p. 12 (Ghana); p. 14 (Japan); p. 20 (Denmark); and pp. 23-24 (Russian Federation).

²⁶³ Ibid., p. 22.

²⁶⁴ Ibid., p. 16.

²⁶⁵ The Council held its 5584th meeting on 12 December 2006, on the item entitled “The situation in the Middle East”, to consider that report (S/2006/956), which

The Special Coordinator reported that under the auspices of King Abdullah of Saudi Arabia, an agreement had recently been reached in Mecca to form a Palestinian national unity government, and expressed the hope that it would lead to the formation of a government that donors could support. However, he acknowledged that many challenges remained, including the cessation of Palestinian internal clashes and Israeli-Palestinian violence. He also expressed deep concern at continued tensions over Israel's constructions and excavations in the Old City of Jerusalem, at the severe fiscal crisis of the Palestinian Authority, and at the lack of implementation of the Agreement on Movement and Access. He warned that without greater access, trade would continue to drop and the reliance on aid would continue to increase. On Lebanon, the Special Coordinator said that as the "domestic political impasse" continued, two buses had been bombed in the north-east of Beirut that morning. As for the recent incident between the Israel Defense Forces and the Lebanese Armed Forces, he stated that both sides had violated resolution 1701 (2006) and thus urged all parties to respect the resolution fully and use the tripartite mechanism to address concerns.²⁶⁷

Speakers generally emphasized the need for a comprehensive, just and lasting solution to the crisis in the Middle East, with the Palestinian question at its heart, and stressed that such a settlement could be achieved only through peaceful dialogue and negotiation, based on relevant Council resolutions, the Quartet road map, the land for peace principle, the Madrid agreement and the Arab Peace Initiative. They further underlined that the ultimate goal remained the two-State vision. To that end, both Israelis and Palestinians needed to refrain from taking unilateral actions.

The representative of the United States noted that his Government was supportive of the upcoming discussions and that it would continue to assist the parties on issues such as security, movement and access.²⁶⁸

Most delegations welcomed the recent agreement between the two main Palestinian factions, Fatah and Hamas, which had been reached in Mecca and aimed to

form a National Unity Government within weeks.²⁶⁹ They called for the prompt formation of such a new government on the basis of a platform reflecting the Quartet principles.²⁷⁰ Others also urged the lifting of the financial blockade against the Palestinian Authority as a way to encourage those efforts.²⁷¹

Regarding Israel's recent excavation and construction in Jerusalem, a large number of delegations were gravely concerned that this would damage the Al-Aqsa Mosque, the third holiest shrine of Islam, and that it would threaten the overall peace process.²⁷² Several speakers accused Israel of intending to change the legal status and demographic composition of Jerusalem, and called on the Council to take action.²⁷³

Turning to Lebanon, most delegations condemned the bombings of the two public buses and underlined that the perpetrators must be held accountable. The representatives of the United States and the United Kingdom urged the establishment of a tribunal of international character to bring terrorists to justice.²⁷⁴ Meanwhile, most speakers were satisfied that the Blue Line had been largely respected by both sides since the

²⁶⁹ Ibid., p. 7 (Qatar); p. 10 (Russian Federation); p. 11 (Indonesia); p. 14 (Congo); p. 16 (Panama); p. 17 (United States, China); p. 19 (France); p. 20 (United Kingdom); p. 21 (Belgium); p. 22 (Slovakia); p. 31 (Kuwait); p. 33 (Germany); S/PV.5629 (Resumption 1), p. 8 (Malaysia); p. 9 (Norway); p. 12 (Morocco); p. 14 (Pakistan, Bangladesh); p. 15 (Senegal); p. 16 (Jordan); and p. 17 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

²⁷⁰ S/PV.5629, p. 10 (Ghana); p. 12 (Italy); p. 17 (United States); p. 20 (United Kingdom); p. 21 (Belgium); p. 22 (Slovakia); p. 33 (Germany); S/PV.5629 (Resumption 1), p. 4 (Turkey); and p. 9 (Norway).

²⁷¹ S/PV.5629, p. 8 (South Africa); p. 14 (Congo); p. 16 (Panama); p. 24 (Palestine); and S/PV.5629 (Resumption 1), pp. 17-18 (Senegal).

²⁷² S/PV.5629, p. 6 (Qatar); p. 8 (South Africa); p. 11 (Indonesia); p. 14 (Congo); p. 16 (Panama); p. 18 (China); p. 24 (Palestine); p. 28 (Lebanon); pp. 29-30 (Syrian Arab Republic); p. 32 (Kuwait); S/PV.5629 (Resumption 1), p. 2 (Cuba); p. 4 (Azerbaijan); p. 5 (Turkey); p. 7 (Malaysia); p. 8 (Islamic Republic of Iran); p. 13 (Morocco, Pakistan); p. 15 (Bangladesh, Senegal); p. 16 (Jordan); and p. 17 (Committee on the Exercise of the Inalienable Rights of the Palestinian People).

²⁷³ S/PV.5629, p. 6 (Qatar); p. 32 (Kuwait); S/PV.5926 (Resumption 1), p. 2 (Cuba); p. 4 (Azerbaijan); and p. 8 (Islamic Republic of Iran).

²⁷⁴ S/PV.5629, pp. 17 and 20, respectively.

²⁶⁷ S/PV.5629, pp. 2-6.

²⁶⁸ Ibid., pp. 16-17.

adoption of resolution 1701 (2006), but expressed deep concern about the recent firing incident between the Lebanese and Israeli forces. Although the representative of Israel insisted that his country was focusing on illicit arms trafficking,²⁷⁵ the representative of Lebanon strongly protested against Israel's refusal to resort to coordination and liaison channels to resolve issues around the Blue Line.²⁷⁶

The representative of Palestine noted that the Mecca agreement endorsed the cessation of internal strife among Palestinians. He also added that Palestinian leaders had pledged to eliminate the Israeli occupation and regain the national rights of the Palestinian people. Key issues, such as occupied East Jerusalem, Palestinian refugees, Palestinian prisoners, and the illegal construction by Israel of its wall and settlements would be given top priority. He insisted that the international community had an obligation to ensure that no unilateral measures would be taken by Israel that might endanger the prospect of peace.²⁷⁷

The representative of Israel for his part deplored the fact that the firing of rockets into Israeli territory and the smuggling of weapons into Gaza continued. He expressed scepticism regarding the Mecca agreement as Hamas was not ready to recognize Israel's right to exist, nor did the agreement condemn violence and terrorism. He insisted that the construction at the Temple Mount was for the benefit and safety of visitors to the area and, in any case, Israel was acting within its jurisdiction. Finally, he asserted that Hizbullah in Lebanon was rearming through arms trafficking across the Syrian-Lebanese border, and noted that the Lebanese army had intercepted a truckload of arms on its way to Hizbullah. He reiterated that the international community should urge the Islamic Republic of Iran and the Syrian Arab Republic to stop meddling in the region.²⁷⁸

Deliberations of 14 March 2007 (5638th meeting)

At its 5638th meeting, on 14 March 2007, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the Middle East. No other statements were made.

²⁷⁵ S/PV.5629 (Resumption 1), p. 26.

²⁷⁶ S/PV.5629, p. 28.

²⁷⁷ *Ibid.*, pp. 23-25.

²⁷⁸ *Ibid.*, pp. 25-27.

The Under-Secretary-General summarized positive and negative developments within the past month. He noted that the ceasefire agreed between Hamas and Fatah in Mecca had so far held and the new Government was expected to be finalized soon. He underlined the need for the new Government to work to prevent the smuggling of weapons and attacks against Israel, and to impose internal law and order. Other positive developments included recent meetings between the President of the Palestinian Authority and the Prime Minister of Israel (although there was no progress towards dialogue between Israel and the Syrian Arab Republic), as well as signs of increased engagement by Arab countries. Challenges to peace, however, remained. In particular, he expressed concern about continued tension and violence, as a result of internal fighting and Israeli military operations. In Lebanon, he deplored increasing security threats but expressed cautious optimism regarding the political impasse.²⁷⁹

Deliberations of 25 April 2007 (5667th meeting)

At its 5667th meeting, on 25 April 2007,²⁸⁰ the Council, presided over by the Minister of State of the United Kingdom, heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the region. All Council members made statements, as did the representatives of Israel, Lebanon and the Syrian Arab Republic and the Permanent Observer of Palestine.

While highlighting positive developments in the Middle East peace process, including the swearing-in of the Palestinian national unity Government on 17 March 2007, another meeting between President Abbas and Prime Minister Olmert, and the reactivation of the 2002 Arab Peace Initiative at the recent Arab League Summit in Riyadh, the Under-Secretary-General stressed that the lack of substantial improvement of the security situation could threaten this momentum. Rocket firing continued to increase and Israel continued to express concern at alleged weapons smuggling between Egypt and Gaza. On

²⁷⁹ S/PV.5638.

²⁸⁰ For more information on the discussion at this meeting, see chap. III, part I, sect. D, case 5, with regard to requests for invitations denied or not acted upon; and chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

Lebanon, he said that despite intensive efforts to ease the political situation, there had not been any breakthroughs on the formation of a national unity Government and on the establishment of a special tribunal.²⁸¹

Most speakers welcomed recent initiatives to promote peace in the Middle East, in particular the greater involvement of regional players, and hoped that the resumed dialogue would lead to reviving the peace process. While speakers stressed the need to assure the Palestinians of a political horizon, the representative of the United States added that Arab States should also clarify a political horizon for Israel. He held that the parties were not ready for final status negotiations, but should discuss ways to ensure Israel's security and the sustainability of a Palestinian State.²⁸² The representatives of France and the Russian Federation repeated their calls for an international conference, which could provide the necessary guarantees to allow the parties to engage in final status negotiations.²⁸³

A majority of speakers expressed serious concern about the humanitarian situation in the Palestinian territories. The representative of South Africa encouraged the international community to reflect on the crippling sanctions freezing Palestinian funding, as they had not been authorized by the Security Council or the General Assembly and they were undermining the new Government's ability to function properly.²⁸⁴

Several delegations expressed concern about the recent breach of the ceasefire in Gaza,²⁸⁵ which the representatives of the United States and the United Kingdom blamed on Hamas.²⁸⁶ Most delegations called on the Palestinians to end rocket firings into Israel and to release the kidnapped Israeli soldier. At the same time, concerns were expressed at Israeli military incursions into the Gaza Strip,²⁸⁷ and some speakers called for the urgent release by Israel of its Palestinian prisoners,²⁸⁸ for the reopening of crossings into

Gaza,²⁸⁹ and for an end to Israeli settlement activities and the construction of the separation wall.²⁹⁰

The representative of Palestine maintained that, despite efforts to resume direct negotiations, Israel continued to carry out illegal policies and practices aimed at sustaining its occupation. At the same time, acknowledging that there was still a window of opportunity, he stressed that the national unity Government had mandated President Abbas to negotiate a final peace settlement with Israel.²⁹¹

The representative of Israel for his part held that Palestinians had turned Gaza into an incubator of extremism and a "launch pad" to fire rockets into Israel. He said that Israel had always reserved the right to defend itself and its people and would continue to do so.²⁹²

On Lebanon, most Council members expressed concern about the ongoing internal dispute. The representatives of China and Italy warned however that too much pressure by the international community might not be conducive to reaching a political agreement.²⁹³ The representative of Lebanon looked forward to a permanent ceasefire that would guarantee Lebanon's stability and security.²⁹⁴ The representative of the United States, supported by a few others,²⁹⁵ expressed concern at reports of continued arms shipment to Hizbullah and called on all States to enforce the arms embargo.²⁹⁶ Several delegations reiterated their support for the dispatch of an independent assessment mission to monitor the Lebanese-Syrian border,²⁹⁷ and the representative of Italy called on the Syrian Arab Republic to engage on that issue.²⁹⁸

²⁸¹ S/PV.5667, pp. 2-5.

²⁸² *Ibid.*, p. 6.

²⁸³ *Ibid.*, pp. 9 and 20, respectively.

²⁸⁴ *Ibid.*, p. 9.

²⁸⁵ *Ibid.*, p. 6 (United States); p. 10 (South Africa); p. 22 (United Kingdom); and p. 28 (Israel).

²⁸⁶ *Ibid.*, pp. 6 and 22, respectively.

²⁸⁷ *Ibid.*, p. 7 (Congo); p. 8 (France); p. 10 (South Africa); p. 17 (Panama); p. 21 (Indonesia); and p. 31 (Syrian Arab Republic).

²⁸⁸ *Ibid.*, p. 7 (Congo); p. 10 (South Africa); and p. 24 (Palestine).

²⁸⁹ *Ibid.*, p. 7 (Congo); p. 12 (Slovakia); p. 18 (Italy); p. 22 (United Kingdom); and p. 25 (Palestine).

²⁹⁰ *Ibid.*, p. 7 (Congo); p. 8 (France); p. 10 (South Africa); p. 13 (Peru); p. 15 (Belgium, China); p. 17 (Panama); p. 21 (Russian Federation); p. 23 (Palestine); and p. 29 (Lebanon).

²⁹¹ *Ibid.*, pp. 23-27.

²⁹² *Ibid.*, pp. 27-29.

²⁹³ *Ibid.*, pp. 15 and 18, respectively.

²⁹⁴ *Ibid.*, p. 30.

²⁹⁵ *Ibid.*, p. 14 (Peru); and p. 19 (Italy).

²⁹⁶ *Ibid.*, p. 6.

²⁹⁷ S/PV.5667, p. 7 (United States); p. 13 (Peru); p. 18 (Italy); and p. 22 (United Kingdom).

²⁹⁸ S/PV.5667, p. 18.

**Deliberations of 24 May, 20 June and 25 July
2007 (5683rd, 5701st and 5723rd meetings)**

At its 5683rd, 5701st and 5723rd meetings, held on 24 May, 20 June and 25 July 2007, respectively, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Special Coordinator for the Middle East Peace Process on the evolving situation in the region. No other statements were made at those meetings.

Over the three-month period, a number of important developments were noted. First, there was a violent insurrection by Hamas against Palestinian Authority security forces in June, which led to the seizure of the political authority in Gaza by Hamas, the replacement of the Palestinian unity government by a caretaker government led by Prime Minister Salam Fayyad, and the declaration of a state of emergency by President Abbas. Internal fighting led to movements of population including Fatah militants seeking to escape the violence, although all were denied entry into Egypt, and to clashes in the West Bank. However, there was tremendous diplomatic momentum on the part of the international community, including the Quartet, to reaffirm support for President Abbas and for the legitimate Palestinian institutions and to engage with the caretaker government, including through direct financial assistance by the donor community.

Secondly, violence between Israelis and Palestinians continued. While recognizing Israel's right to self-defence, the Secretary-General had called on Israel to ensure that its actions did not target civilians.

Thirdly, after a pause of several weeks in the Israeli-Palestinian dialogue, a bilateral meeting between the Israeli Prime Minister and the Palestinian Authority President was finally held on 16 July 2007. While efforts to promote the Arab Peace Initiative continued, the United States in July announced its intention to call for an international meeting with the participation of all regional players. The desire of the Syrian Arab Republic to take part in negotiations leading to peace with Israel was welcomed.

Fourthly, there had been no progress regarding the freeze of Israeli settlement constructions and the dismantlement of outposts, the construction of the separation wall was still ongoing and Israel's commitments to ease movement and access in the West Bank remained unmet. As a result, the humanitarian situation in Gaza continued to deteriorate.

Finally, major political challenges included the restoration of the unity of the Palestinian Authority and the prevention of the de facto division between Gaza and the West Bank (although there were no immediate prospects for reconciliation between Hamas and Fatah), and the need to further advance the political process between Israelis and Palestinians.

Regarding Lebanon, on 20 May 2007 heavy fighting erupted between the Lebanese Armed Forces and Fatah al-Islam gunmen in Tripoli near the Nahr al-Bared Palestinian refugee camp and continued during the whole period. The Government of Lebanon reaffirmed that only security forces should be allowed to carry weapons and remained determined to confront the militia. The overall security situation in Lebanon also continued to deteriorate with terrorist explosions, violations of the cessation of hostilities in the south and regular Israeli overflights.²⁹⁹

**Deliberations of 29 August 2007
(5736th meeting)**

At its 5736th meeting, on 29 August 2007,³⁰⁰ the Council received a briefing by the Special Coordinator for the Middle East Peace Process. In addition to all Council members, statements were made by the representatives of Algeria, Bangladesh, Brazil, Cuba (on behalf of the Movement of Non-Aligned Countries), Indonesia, the Islamic Republic of Iran, Israel, Japan, Jordan, Lebanon, Malaysia, Norway, Pakistan (on behalf of OIC), Portugal (on behalf of the European Union), the Syrian Arab Republic, Viet Nam and Yemen (on behalf of the Arab Group) and the Permanent Observer of Palestine.

The Special Coordinator expressed cautious optimism. He reported that a substantive dialogue between the President of the Palestinian Authority and the Prime Minister of Israel was developing and that nascent Palestinian security reform efforts had created expectations. However, while cooperation between Israel and the Palestinian Authority had started, closures on the West Bank remained and Israeli-Palestinian violence continued. He also expressed deep concern about the political, institutional and

²⁹⁹ See S/PV.5683, S/PV.5701 and S/PV/5723.

³⁰⁰ For more information on the discussion at this meeting, see chap. VI, part IV, sect. B, case 18, with regard to the relationship between the Security Council and the International Court of Justice.

socioeconomic consequences of the split between Gaza and the West Bank. Although Hamas had called for dialogue, it continued to assert its military authority over the Gaza Strip. Reports of weapons smuggling from Egypt to Gaza was also a matter of concern. Finally, he deplored the shortage of essential commodities due to the closure of the main commercial crossing of Karni. Finally, in Lebanon, there was still a political deadlock, and confrontation between the Lebanese Forces and Fatah al-Islam continued, but the situation in the south had been relatively calm.³⁰¹

The representative of the United States reiterated his country's call for a conference to promote the two-State solution. He added that his country intended to provide substantial support for strengthening the Palestinian Authority's security sector.³⁰² Most delegations welcomed the upsurge in diplomatic initiatives to reinvigorate the peace process, and expressed their support for the Middle East conference scheduled later in the year. The representative of Jordan stressed the need for a workplan and a timetable in order to launch the political process with clearly defined directions and outcomes,³⁰³ and the representative of Palestine suggested that the conference be held under United Nations auspices.³⁰⁴ Several speakers also reiterated their support for the two-State solution and the Arab Peace Initiative, and many gave their support to President Abbas and Prime Minister Fayyad.³⁰⁵

Most speakers expressed strong concern about the deteriorating socioeconomic situation in the Palestinian territories, especially the Gaza Strip, where the economy was on the brink of collapse. Some delegations welcomed Israel's return of tax revenues to the Palestinian Authority as well as the release of a number of Palestinian prisoners,³⁰⁶ while others underlined that the lack of implementation of the Agreement on Movement and Access substantially contributed to the economic downfall in Gaza and called for its speedy

implementation.³⁰⁷ The representative of Brazil expressed her belief in "qualitative change in the life of the Palestinian people as a condition for sustainability of the political process".³⁰⁸

Some speakers deplored the de facto split between Gaza and the West Bank. The representative of the Congo cautioned that this development could jeopardize the two-State solution,³⁰⁹ while the representative of the Russian Federation suggested that peace with Israel would require Palestinian unity.³¹⁰ The representative of Panama disagreed with any policy that would exacerbate the division of the Palestinian Authority, and this point was shared by the representatives of Qatar and Pakistan.³¹¹ For his part, the representative of the Islamic Republic of Iran and others held that Hamas could not be completely excluded from the Palestinian political scene.³¹²

The representative of Palestine focused on continued Israeli aggressions against his people in violation of international humanitarian law, and stressed the need to push forward any diplomatic initiative aimed at the creation of a Palestinian State.³¹³

The representative of Israel argued that recent positive developments in the diplomatic arena, including openings between his Government and the Palestinian Authority, occurred against the backdrop of the continuing danger posed by Hamas and Hizbullah, backed by their "evil patrons" the Syrian Arab Republic and the Islamic Republic of Iran. He deplored the smuggling of weapons by Hamas into Gaza but said that, nevertheless, his country was responding to humanitarian needs in Gaza.³¹⁴

On Lebanon, the representative of Israel cautioned that the situation remained precarious and unsettling, adding that the transfer of arms from the Islamic Republic of Iran and the Syrian Arab Republic to Hizbullah continued in blatant violation of the arms embargo. In addition, he called on the Council to

³⁰¹ S/PV.5736, pp. 2-6.

³⁰² *Ibid.*, p. 7.

³⁰³ S/PV.5736 (Resumption 1), p. 4.

³⁰⁴ S/PV.5736, p. 25.

³⁰⁵ S/PV.5736, p. 6 (United States); p. 13 (Slovakia); p. 15 (France); p. 17 (Italy); p. 20 (United Kingdom); and p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 4 (Jordan); p. 5 (Cuba); and p. 11 (Japan).

³⁰⁶ S/PV.5736, p. 10 (China); p. 13 (Slovakia); p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 6 (Brazil); p. 9 (Bangladesh); and p. 10 (Pakistan).

³⁰⁷ S/PV.5736, p. 12 (Ghana); p. 24 (Palestine); p. 34 (Portugal); S/PV.5736 (Resumption 1), p. 2 (Norway); p. 6 (Brazil); and p. 11 (Japan).

³⁰⁸ S/PV.5736 (Resumption 1), p. 7.

³⁰⁹ S/PV.5736, p. 22.

³¹⁰ *Ibid.*, p. 19.

³¹¹ S/PV.5736, pp. 10 and 18; and S/PV.5736 (Resumption 1), p. 10, respectively.

³¹² S/PV.5736, p. 15.

³¹³ *Ibid.*, pp. 23-25.

³¹⁴ *Ibid.*, pp. 25-27.

increase efforts to ensure the release of the two Israeli soldiers kidnapped in July 2006.³¹⁵ While the representative of Lebanon pointed out that there had been no movement with regard to the issue of Lebanese prisoners detained in Israel, the representative of Israel argued that those two issues could not be compared, as many of the Lebanese detainees were “murderous terrorists”.³¹⁶ Finally, most speakers expressed concern about the political situation in Lebanon, and stressed the need to resume national dialogue prior to the upcoming presidential elections.

**Deliberations of 20 September, 24 October,
30 November and 21 December 2007 (5746th,
5767th, 5788th and 5815th meetings)**

From September to December 2007, the Council continued to receive monthly briefings by the Under-Secretary-General for Political Affairs on developments in the region. No other statements were made at meetings held during that period.

The Under-Secretary-General generally reported on a dichotomy between progress on the diplomatic front and continued violence and deterioration of the humanitarian situation in the Palestinian territories. A major development was the Annapolis conference on the Middle East peace process, held on 27 November 2007 organized by the United States and bringing together regional and international players (Israel, the Palestinian Authority, the Secretary-General, the Quartet, the permanent members of the Security Council, the Group of Eight, representatives of the League of Arab States, as well as other donors and supporters), at the end of which the Prime Minister of Israel and the President of the Palestinian Authority issued a joint understanding. In it, they committed themselves to an intensive negotiating process with a view to concluding a peace agreement before the end of 2008 resolving all outstanding and core issues without exception. To that end, they agreed to form a joint steering committee to oversee the negotiations, and to meet on a biweekly basis. They also committed themselves to immediately implement their respective obligations under the road map and to form an American, Palestinian and Israeli mechanism, led by the United States, to follow up on implementation. This was hailed as the most significant breakthrough in the peace process in years. Bilateral negotiations

commenced as scheduled on 12 December 2007. In addition, because economic recovery and the creation of a secure environment would be key to gaining popular confidence in the renewed process, the Annapolis conference was followed by an international donor conference in Paris on 17 December 2007, where \$7.4 billion were pledged in assistance to the Palestinian Authority.

Other positive developments during the reporting period included the completion by the Palestinian Authority of the 2008-2010 Palestinian reform and development plan, and the deployment of Palestinian security forces to impose law and order in Nablus, in accordance with its road map obligations. In addition, active Arab diplomacy in the lead-up to the Annapolis conference led to an agreement to intensify cooperation to stop smuggling into the Gaza Strip.

However, the Under-Secretary-General also reported on continued violence between Israelis and Palestinians (with ongoing Palestinian militant rocket fire coming from Gaza and Israeli air strikes), and the intensification of factional fighting. He said that Hamas adopted increasingly repressive measures to solidify its control over Gaza. As a result, heavy clashes with other clans occurred and there were reports of mounting human rights abuses by paramilitary forces. Hamas also denounced the Annapolis conference as it said it opposed negotiations with Israel in the absence of Palestinian consensus.

In addition, the humanitarian situation in Gaza was still a source of acute concern as the main crossings for commercial goods (Karni) and for passengers (Rafah) remained closed. As a result, the flow of import and exports stopped. The Under-Secretary-General denounced collective punishment of Palestinians. There had also been no progress on the implementation by Israel of some of its road map obligations, including a freeze on settlements.

Referring to a positive development in Lebanon, the Under-Secretary-General noted that on 2 September 2007, after 15 weeks of fighting in and around the Nahr al-Bared refugee camp, the Lebanese Armed Forces declared victory over the militant group Fatah al-Islam. The situation in southern Lebanon remained calm although Israeli overflights continuously violated the Lebanese airspace — flights which, according to Israel, were aimed at countering breaches of the arms embargo. Political tensions in Lebanon remained high surrounding

³¹⁵ *Ibid.*, p. 27.

³¹⁶ S/PV.5736, p. 29; and S/PV.5736 (Resumption 1), p. 16, respectively.

the presidential elections. Although the term of the current president expired without elections being conducted on time because of political fighting, at the end of December there seemed to be an agreement on the candidature of General Michel Suleiman. Disagreement between Lebanese factions remained,

though, on whether the formation of the Government should occur before or after the elections. The Under-Secretary-General called for an open and genuine dialogue among the parties.³¹⁷

³¹⁷ See S/PV.5746, S/PV.5767, S/PV.5788 and S/PV.5815.

35. Items relating to Iraq

A. The situation between Iraq and Kuwait

Decision of 24 March 2004 (4930th meeting): statement by the President

At its 4914th meeting,¹ on 24 February 2004, the Security Council heard briefings by the representatives of the United Kingdom and the United States² regarding the situation in Iraq, following which all Council members made statements.

The representative of the United States highlighted the ongoing work by the Governing Council of Iraq to put in place a transitional administrative law defining basic tenets for the future transitional Government of Iraq, as well as fundamental protections for civil, religious and political liberties for every Iraqi, applicable during the time of transition to full democracy and until a permanent constitution came into force. He noted the different and significant challenges, in particular the continued climate of insecurity throughout the country, and the need for humanitarian and economic assistance to Iraq. Echoing the statement of the President of the United States that the United Nations had a vital role to play in Iraq, both before and after the transition of authority to the Iraqis in July, he welcomed the active engagement of the United Nations there, noting that much remained to be done before 30 June. He informed the Council that Saddam Hussein was in custody, and was to undergo trial for crimes committed against the Iraqi people and humanity.

On security, he said that former regime loyalists, foreign fighters and terrorists continued to attack

police stations, religious gatherings, schools, infrastructure, Coalition partners, non-governmental organizations and the United Nations. Although information from Saddam Hussein after he was captured on 13 December 2003 in Tikrit had enabled the Coalition forces to disrupt insurgent activities, attacks against multinational force troops as well as Iraqi civilians had increased in the past two months. Nevertheless, the determination of the Iraqi people to assume primary responsibility for their own security remained undeterred. Thus, the number of Iraqis in the Civil Defence Corps, armed forces, border police and immigration and Customs services continued to grow significantly.

He noted that while Iraqis themselves were on the forefront in stabilizing Iraq, troops deployed from 35 countries participating in the multinational force were already supporting the Iraqi people, and other countries had taken political decisions as to deploying forces on the ground in Iraq.

The representative noted that the Coalition Provisional Authority continued to support a process of consultations and elections to enable Iraqis to elect representatives reflecting the make-up and character of their communities.

He welcomed the report of the United Nations fact-finding team, and noted that the mechanism for governing Iraq between the transfer of sovereignty, scheduled for 30 June 2004, and the national elections remained to be worked out. In its report, dated 23 February 2004,³ the United Nations fact-finding team had concluded that free and fair elections were not feasible prior to 30 June 2004, and that at least eight months were needed to prepare for elections after a legal and institutional framework had been established. The team had concluded that elections could be held by the end of 2004, or shortly thereafter.

³ S/2004/140.

¹ At its 4897th meeting, held in private on 19 January 2004, the Council members had a constructive exchange of views with the Chairman of the Governing Council of Iraq.

² On behalf of the Coalition Provisional Authority in accordance with resolution 1483 (2003).

The report further highlighted that there was consensus among Iraqis that the deadline of 30 June 2004 for the transfer of sovereignty to a provisional government should be maintained. The resolution of the timing of the election would provide opportunity and space for Iraqis — both those on the Governing Council and those outside the political process — and the Coalition Provisional Authority to engage in a more focused dialogue on the mechanism to which sovereignty would be transferred on 30 June 2004.

With respect to the “oil-for-food” programme, the representative noted that it had been terminated as from 21 November 2003,⁴ and that the World Food Programme (WFP) was currently assisting the Coalition Provisional Authority and the Iraqi Ministry of Trade in keeping the public distribution system supplied with food baskets. The Ministry of Trade was to take full control of all aspects of that programme from 1 July 2004.

On the issues of search for and elimination of possible weapons of mass destruction in Iraq, he noted that the Iraq Survey Group had been unable to confirm some pre-war intelligence assessments by the United States and other countries about Iraq’s possible stockpiles of such weapons, but additional work remained before the question could be completely addressed. He further noted that the former head of the Iraq Survey Group had reported the discovery of clear evidence that the former regime had been hiding ongoing activities relating to weapons of mass destruction from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and had thus concluded that Iraq was in violation of previous Security Council resolutions. He stated that it was clear that the former regime had been intent on deceiving, and had continued to deceive, the international community. Furthermore, some document analysis had been obstructed by the methodical destruction of documents and computers at some Iraqi facilities in the immediate post-conflict period. He further stated that the Iraq Survey Group would continue its important work in the country.⁵

The representative of the United Kingdom elaborated on the progress achieved by the Coalition Provisional Authority in the areas of development, delivery of basic social services, increase in healthcare

salaries, oil production, establishment or rehabilitation of financial institutions, and efforts to create more jobs for Iraqis. In coordination with the Authority, the Iraqi Ministry of Justice had developed strategies and activities to ensure the establishment or reconstruction of basic Iraqi criminal justice facilities. The Authority had continued to support efforts to strengthen civil society and human rights education throughout Iraq. The new Iraqi Ministry of Human Rights would play an important role in shaping human rights developments in the country. He further stated that the Judicial Review Committee had completed its review of every judge and prosecutor in Iraq; membership in the Baath party and their complicity in human rights violations or corruption had been checked, with a resulting overall dismissal rate of 25 per cent.⁶

All Council members welcomed the conclusions and recommendations made by the Secretary-General in the report issued following the United Nations fact-finding mission to Iraq.⁷ Speakers unanimously expressed the need of ensuring a central role for the United Nations as an independent and neutral institution in the ongoing political process, including in the preparations and facilitation of future elections in Iraq. Most speakers stressed that Iraqi buy-in to the political process was necessary, and stressed the importance of meeting the date of 30 June for transfer of sovereignty to the Iraqis. All Council members expressed concern over the severe security situation in the country.

The representative of Brazil noted that the fact-finding mission, which was originally intended as a technical assessment mission on the feasibility of holding elections before the end of June, had acquired a dominant political relevance, as indicated by the designation of Lakhdar Brahimi to lead it, by the consultations in the Group of Friends of Iraq, and by the report of the Secretary-General.⁸

The representative of Algeria highlighted the difficult economic and social situation for Iraqis, and drew attention to the responsibilities of the occupying Power under the Fourth Geneva Convention to better ensure the protection of the population. He reiterated an appeal to end the occupation, and pointed to

⁴ Pursuant to Security Council resolution 1484 (2003).

⁵ S/PV.4914, pp. 2-4.

⁶ *Ibid.*, pp. 5-6.

⁷ S/2004/140.

⁸ S/PV.4914, p. 10.

promoting human rights as key to ensuring the completion of the normalization process.⁹

While stressing that without United Nations involvement it would be difficult to see a lasting settlement or even an agreement on a political process, the representative of the Russian Federation stated that the United Nations should be ready to offer its assistance; the form and timing of that assistance however would be subject to security considerations determined by the Secretary-General given the deteriorating volatile situation in the country. He stated that it was the position of his Government that the mandates of UNMOVIC and the International Atomic Energy Agency (IAEA) in Iraq remained on the Council's agenda.¹⁰

With regard to establishing a secure environment, the representative of Germany stated that this would remain the responsibility of the Coalition Provisional Authority, in cooperation with Iraqi security structures.¹¹

The representative of France, while stressing that the 30 June deadline needed to lead to a genuine restoration of Iraqi sovereignty and a handover of authority and resources to the Iraqis, underlined that important decisions involving Iraq's future should be deferred to a future elected Iraqi government. Recalling that the Secretary-General had pointed out that the United Nations would require a clear and specific mandate that would guarantee its independence and take into account new circumstances, he questioned whether existing resolutions would provide an appropriate framework and suggested that a new Council resolution could prove necessary to support the restoration of Iraqi sovereignty and to support or define new arrangements.¹²

In response to a question, the representative of the United States noted that a role of the United Nations in the process of drafting the Transitional Administrative Law was not currently envisaged. Furthermore, given the time constraints and the scheduling issues, such a role was not likely.¹³

⁹ Ibid., pp. 7-8.

¹⁰ Ibid., p. 9.

¹¹ Ibid., pp. 11-12.

¹² Ibid., pp. 12-13.

¹³ Ibid., pp. 19-20.

At its 4930th meeting, on 24 March 2004, the Council included in its agenda a letter dated 18 March 2004 addressed to the President of the Security Council,¹⁴ by the Secretary-General, informing the Council that the Governing Council of Iraq had requested the United Nations to assist in the formation of an interim Government of Iraq, to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections to be held in January 2005. The Coalition Provisional Authority was fully supportive of the request and would cooperate closely with the United Nations in Iraq and ensure the security of that mission. The President then issued a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Welcomed and strongly supported the decision of the Secretary-General to dispatch to Iraq his Special Adviser Mr. Lakhdar Brahimi and his team, as well as an electoral assistance team, as soon as possible, in order to lend assistance and advice to the Iraqi people in the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections to be held before the end of January 2005;

Called on all parties in Iraq to cooperate fully with those United Nations teams, and welcomed the security and other support provided to them by the Governing Council of Iraq and the Coalition Provisional Authority.

Deliberations of 16 April 2004 (4944th meeting)

At its 4944th meeting, on 16 April 2004, the Council heard a briefing by the representative of the United States on behalf of the Member States contributing to the multinational force, on the efforts and progress of the force authorized under resolution 1511 (2003).¹⁶

The representative of the United States expressed his country's commitment to providing security to Iraq, in cooperation with the multinational force and Iraqi security forces, in spite of the increase in violence and attacks from insurgents. He informed the Council of the efforts made by the force to implement resolution 1511 (2003) through activities ranging from the provision of humanitarian assistance, reconstruction, restoration of basic infrastructure, assistance to civil local government and the detention of those suspected

¹⁴ S/2004/225.

¹⁵ S/PRST/2004/6.

¹⁶ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

of posing a threat to security. He reported on significant progress in recruitment and training of the Iraqi security forces. He further reported that, with the support of the United Nations, the United States had initiated the soliciting of force contributions for the protection of a broad-based United Nations mission in Iraq. He urged Member States to contribute troops to carry out the function of security support for the United Nations. He noted that although the transfer of sovereignty to the Iraqi interim Government on 30 June 2004 would mark the beginning of a new era, the coalition forces would continue to provide needed support to Iraqi security forces until they could assume sole responsibility for security in Iraq.¹⁷

**Decision of 21 April 2004 (4946th meeting):
resolution 1538 (2004)**

At its 4946th meeting, on 21 April 2004,¹⁸ the Council had before it a draft resolution submitted by France, Germany, Spain, the United Kingdom and the United States in connection with the oil-for-food programme.¹⁹ The draft resolution was put to a vote and adopted unanimously as resolution 1538 (2004), by which the Council, *inter alia*:

Welcomed the appointment of the independent high-level inquiry to investigate the administration and management of the oil-for-food programme;

Called upon the Coalition Provisional Authority, Iraq, and all other Member States, including their national regulatory authorities, to cooperate fully by all appropriate means with the inquiry;

Looked forward to receiving the final report of the inquiry.

**Decision of 27 April 2004 (4953rd meeting):
statement by the President**

At its 4952nd meeting, on 27 April 2004, the Council heard a briefing by the Special Adviser to the Secretary-General, who had headed the United Nations mission to Iraq from 4 to 15 April in response to a request from the Governing Council of Iraq and the Coalition Provisional Authority for United Nations assistance and advice on the formation of an interim Government of Iraq, as well as the preparation of future elections. Underlining the necessity of the continuation of a credible political process in spite of

the severe security concerns in Iraq, including the fighting in Fallujah, the Special Adviser outlined the main findings and recommendations of the mission.

He emphasized that the sooner a credible Iraqi government was in place to lead the way, the better, especially because the absence of such a sovereign government was part of the problem. Virtually every Iraqi with whom he had met urged that there be no delay in bringing an end to the occupation by 30 June. He stated that the elections scheduled for January 2005 were an important milestone, and reported that a United Nations team in Baghdad was currently working to assist that process. He noted that the interim Government should be led by a Prime Minister, with a President as Head of State and two Vice-Presidents. To avoid creating any impression that the appointees would use their position to the advantage of a particular political party or group, the Prime Minister, President and Vice-Presidents should not stand as candidates in the coming elections. He stressed that the interim Government had to be careful not to use its position to influence any political party or group. To prevent this, the interim Government should not have the power to enter into long-term commitments that could await decision from an elected Government. To that end, the Special Adviser suggested the establishment of a consultative council, which should serve as an advisory body to the interim Government, be appointed by a National Conference. Delegates to that Conference, representing all Iraqi provinces and groups, would be appointed by a preparatory committee comprising a small number of reputable Iraqis, including judges, who were not seeking political office. The National Conference should in addition address issues of national reconciliation, aspects of the Transitional Administrative Law, the “de-baathification” process and concerns regarding due process rights for current detainees.²⁰

At the 4953rd meeting, on 27 April 2004, the President issued a statement on behalf of the Council,²¹ by which the Council, *inter alia*:

Strongly supported the efforts and the dedication of the Special Adviser and welcomed the provisional ideas he had submitted as a basis for the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004;

¹⁷ S/PV.4944, pp. 2-4.

¹⁸ The representative of Iraq was present at the meeting.

¹⁹ S/2004/311.

²⁰ S/PV.4952, pp. 2-7.

²¹ S/PRST/2004/11.

Encouraged the Secretary-General and his Special Adviser to continue diligently with the efforts that they were employing;

Called upon all Iraqi parties to cooperate fully with the Special Adviser, and also called upon Iraq's neighbours and the international community at large to lend all possible support to those efforts.

Deliberations of 19 May to 7 June 2004 (4971st, 4982nd and 4984th meetings)

At its 4971st meeting, on 19 May 2004, the Council heard a joint briefing by the representatives of the United States and the United Kingdom.²² While addressing the issue of abuse of Iraqi detainees in Abu Ghraib prison, the representative of the United States stated that seven United States military personnel had been charged with criminal offences, and that a number of investigations remained open. He affirmed that United States forces in Iraq were required to operate in accordance with the Geneva Conventions, and that immediate steps had been taken to reinforce military policies to ensure adherence to those standards. He added that his Government was committed to providing the International Committee of the Red Cross (ICRC) access to detainees held by the United States in Iraq, and had worked with ICRC since the beginning of the war.

The representative of the United States reiterated that the Coalition Provisional Authority and the framework for occupation recognized under resolution 1483 (2003) would come to an end on 30 June, when the Governing Council of Iraq was to be replaced by an interim Government of Iraq. Elections for a transitional National Assembly were to be held no later than January 2005. However, Coalition forces would still be needed in Iraq after 30 June, owing to continued violent attacks by insurgents and the relative inexperience of Iraqi security forces. Coordination and consultative arrangements would be established between the Coalition forces and the sovereign interim Government of Iraq. He also stated that, with a view to enabling international United Nations personnel to return to Iraq, the Coalition was working to establish a unit within the multinational force under unified command to provide dedicated security for United Nations personnel and facilities.

²² The briefing was the last of four quarterly briefings on the implementation of resolution 1483 (2003).

With regard to the political transition, he recalled the Governing Council's approval in February of the Transitional Administrative Law and the framework it set out for the interim Government and national elections. He highlighted the important work being done by the United Nations in that regard, particularly Ambassador Brahimi's assistance in identifying an interim government, and the work of the electoral assistance team on developing the three main pillars of Iraq's electoral system: an independent election commission, an agreement on electoral modalities and a political party law.

He further noted that the Iraqi Board of Supreme Audit had collected "oil-for-food" documents in preparation for its own investigation of the programme, and had signalled its readiness to assist the United Nations in its investigations into alleged abuses.

He reported that the Iraq Survey Group was continuing its search for weapons of mass destruction and related infrastructure. The Survey Group had identified Iraqi research programmes with "potential applications" in a variety of programmes relating to weapons of mass destruction, and had reported numerous violations of Security Council resolutions, including "illicit Iraqi procurement efforts aimed at obtaining dual-use material". The Survey Group was also working to determine Saddam Hussein's strategic intentions with respect to weapons of mass destruction and the United Nations inspection regime.²³

While commenting on the issue of Abu Ghraib detainee abuse, the representative of the United Kingdom underlined that British personnel in Iraq were operating in accordance with the Geneva Conventions, an obligation which they took very seriously. He stated that his Government would not hesitate to act where British troops failed to uphold obligations under international humanitarian law, and had investigated every case brought to its attention by ICRC, as well as incidents where civilians had died in detention.

He then briefed the Council on progress made in the development of basic social services, including water, sanitation and electricity. Efforts were also made to improve airports, health-care systems and financial institutions, creation of new jobs and development of justice and human rights institutions. With respect to human rights abuses committed by the former regime,

²³ S/PV.4971, pp. 2-5.

he said that a documentation and evidence centre and a database were being established.²⁴

At its 4982nd meeting, on 3 June 2004, the Council heard a briefing by the Minister for Foreign Affairs of Iraq. The representatives of Algeria, Chile, China, France, Germany, Pakistan, the Philippines, Romania, the Russian Federation, the United Kingdom and the United States delivered statements during the meeting.²⁵

The Minister for Foreign Affairs of Iraq encouraged the adoption of the draft resolution before the Council, but suggested some amendments which would bring it more fully into line with the wishes of the Iraqi people, and which unambiguously underlined the transfer of sovereignty to the people of Iraq and their representatives. He stressed that the resolution should endorse the establishment of the sovereign interim Government, reaffirm the need for Iraq to control its own natural resources, and recognize the need for a continued presence of the multinational force in partnership with Iraqi authorities, affording the interim Government control over security matters. He further reported plans to convene a National Conference by July 2004 to broaden participation in the political process, and stated that part of the mandate of the interim Government would be to work closely with the United Nations. He thanked the Coalition for its help to “liberate the Iraqi people” from the persecution of Saddam Hussein. He noted that owing to the collapse of the State and its institutions Iraq was not yet at a stage to maintain its own security, and stressed that any premature departure of international troops would lead to chaos and possibly civil war in Iraq.²⁶

Discussing a draft resolution submitted by the United States and the United Kingdom, most speakers expressed the view that it should clearly mark a genuine break from the occupation, and ensure that the interim Government of Iraq would assume sovereign authority in all areas, including security arrangements. Many speakers stated that the views of the interim Government of Iraq should be taken into consideration with respect to the text of the draft resolution, and

requested the view and suggestions of the Foreign Minister of Iraq on various aspects of the text, in particular on the provisions relevant to the degree of sovereignty afforded to the interim Government of Iraq.²⁷ Several representatives reiterated that the role of the United Nations in Iraq would be vital in fostering acceptance of the interim Government of Iraq and in its exercise of full sovereignty.²⁸

The representative of the United States said that the draft resolution saluted a new moment in the history of Iraq: the occupation of Iraq would end, and the Iraqi people would assume full responsibility and authority for governing a proud nation. The timely adoption of the draft resolution would bear witness to a fundamental change in the relationship between the Security Council and Iraq nearly 14 years after Saddam Hussein’s invasion of Kuwait. He stated that his Government and the multinational force partners would engage the incoming Government of Iraq in discussing the nature of the security partnership, among other issues. That partnership would be founded on shared goals and tangible cooperation on all levels.²⁹

The representatives of China and France opined that the draft resolution should ensure that prior consultation and consent should be sought from the interim Iraqi Government on major military operations.³⁰ The representatives of Chile, France and Germany further underlined that the draft resolution should clearly express which principles were to govern the cooperation between the interim Government of Iraq and the multinational force, and ensure that the interim Government of Iraq would be free to extend or terminate the mandate of the multinational force.³¹

The representative of the United Kingdom stressed that the partnership between the multinational force and the Government of Iraq should be based on the understanding that a national security council should tackle the big issues. The Security Council would work to get agreement on broad strategic directions and precisely how the various operations were to be carried out. Nothing in that process would

²⁴ Ibid., pp. 5-7.

²⁵ The Secretary-General was present at the meeting, but did not make a statement. The representatives of Angola, Benin, Brazil and Spain did not make statements.

²⁶ S/PV.4982, p. 3.

²⁷ Ibid., p. 4 (Algeria); p. 5 (China); p. 6 (Germany); p. 7 (France); p. 8 (Chile); p. 9 (Pakistan); pp. 10-11 (Russian Federation); and p. 11 (Philippines).

²⁸ Ibid., p. 9 (Pakistan); p. 10 (Russian Federation); p. 11 (Philippines); and p. 12 (United Kingdom).

²⁹ Ibid., pp. 4-5.

³⁰ Ibid., pp. 5-6 (China); and p. 8 (France).

³¹ Ibid., pp. 6-7 (Germany); and p. 8 (France, Chile).

be inconsistent with Iraq having full sovereignty. He stressed that, in the opinion of his Government, if consent for the multinational force was withdrawn, then the pillar on which the force was based would also fall.³²

In response to various questions regarding the text of the draft resolution, the representative of Iraq stated that the current wording of the draft resolution on the nature of sovereignty and the terms of reference of the Government was “quite adequate”. He said that his understanding of sovereignty meant that it should be enjoyed by the people of Iraq, and that the Government of Iraq should be free to make its own decisions and have control over Iraqi security affairs, including control over national resources and finances. Reiterating that the multinational force was strongly needed in Iraq, he underlined the importance of Iraqi forces being under Iraqi control. A continued presence of the multinational force should however depend upon Iraqi approval, as opposed to what was mandated by resolution 1483 (2003) or 1511 (2003), according to which the multinational force were there as an occupying Power. He stressed that Iraq had become a main front for international terrorism, and that a collapse of the Iraqi State would have a huge impact on security in the region. He further stated that the Government of Iraq wanted a clear reference to the status of the multinational force and to their operations and cooperation with the interim Government of Iraq in a spirit of partnership. He emphasized that a call for immediate withdrawal of the multinational force or a fixed deadline for withdrawal would be “very unhelpful”, and might play into the hands of enemies that wanted to derail the political process in Iraq. He further welcomed a leading role of the United Nations in the political, electoral and reconstruction process. He stressed that the Government of Iraq should have a say in the duration of the mandate of the multinational force.³³

At its 4984th meeting, on 7 June 2004, the Council heard a statement by the Secretary-General, and a briefing by his Special Adviser. None of the Council members made statements during the meeting.

The Secretary-General stated it was no secret that the events leading up to the war in Iraq, and developments since then, had been among the most

divisive that the Council had had to deal with since the end of the cold war. For many around the world, what was at stake was the way in which the international order and the system of collective security were being defined at the beginning of the new millennium.

He said that the interim Government would have the task of bringing the country together and of leading it effectively until the elections scheduled for January 2005. The Iraqi people would judge it by its actions and results, particularly regarding security. He appealed to the Council and to the international community at large, Iraq’s neighbours in particular, to respond favourably and generously to the interim Government’s request for assistance and support.

In connection with the draft resolution under discussion, the Secretary-General reaffirmed the United Nations readiness to do the utmost, as circumstances permitted, to contribute to the restoration of peace and stability in a unified, sovereign and democratic Iraq. To that end, he looked forward to a clear definition of the United Nations role and to the creation of all the conditions, including the provision of security for United Nations staff and adequate resources, which would allow the Organization to implement its mandate.³⁴

The Special Adviser briefed the Council on the United Nations engagement in the political process in Iraq, and in particular on recent facilitation efforts to select the interim Government of Iraq, following the conclusion that elections were not viable before the transfer of sovereignty on 30 June. During consultations with Iraqis representing various groups and factions, arguments were heard against involving any foreigners in the selection of the interim Government, as well as voices opposing the participation of the Coalition Provisional Authority or the Governing Council in that process. The Special Adviser, after having given a detailed account of the process of forming an interim Government, stated that the latter had a “great deal of talent” and was well positioned to bring the country together. While it deserved to be given a fair chance and full support, he observed that ultimately the Iraqi people would judge it on the basis of its actions.

The Special Adviser said he was encouraged to have heard that the Prime Minister had reached an

³² Ibid., p. 12.

³³ Ibid., pp. 12-15.

³⁴ S/PV.4984, pp. 2-4.

agreement with concerned parties for the dissolution of militias, and said that an equally important issue was that of the prisoners detained in Abu Ghraib and elsewhere. However, he stressed that, according to the majority of Iraqis that the United Nations had consulted with, the security problem could not be solved through military means alone. The National Conference would provide an opportunity to start efforts towards consensus on how to address the prevailing insecurity.

The Special Adviser stated that after a complicated and delicate process under less-than-optimal conditions, two essential institutions had been established in Iraq: an interim Government and a national Independent Electoral Commission. However, he pointed out that neither the interim Government nor the National Council expected to be chosen by the National Conference would be elected bodies, and only an elected Government and legislature could legitimately claim to represent Iraq. In concluding, he emphasized that the main focus of all work at that moment should be creating conditions for credible elections to be held by January 2005, a task in which Iraqis needed clear and united support from the international community, their neighbours and creditors and the United Nations.³⁵

**Decision of 8 June 2004 (4987th meeting):
resolution 1546 (2004)**

At the 4987th meeting, on 8 June 2004, the President (Philippines) drew the attention of the Council to a letter dated 7 June 2004 from the Secretary-General,³⁶ and a draft resolution submitted by Romania, United Kingdom and the United States.³⁷ The draft resolution was put to a vote and adopted unanimously as resolution 1546 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Endorsed the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which would assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions

affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq had assumed office;

Decided that, in implementing, as circumstances permitted, their mandate to assist the Iraqi people and government, the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, as requested by the Government of Iraq, *inter alia*, should play a leading role in advising and supporting the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, in the process for holding elections; promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq; and contribute to the coordination and delivery of reconstruction, development and humanitarian assistance;

Decided that the multinational force should have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq, and welcomed the letters annexed to the resolution;³⁸

Decided that the mandate of the multinational force would be reviewed at the request of the Government of Iraq or 12 months from the date of adoption of the resolution, and that the mandate would expire upon the completion of the political process set out in paragraph 4 of the resolution, and declared that it would terminate that mandate earlier if requested by the Government of Iraq;

Decided that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions would not to apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of the resolution;

Decided that the interim Government would assume the rights, responsibilities and obligations relating to the oil-for-food programme.

After the adoption of resolution 1546 (2004), all Council members made statements.³⁹ Many speakers emphasized that the resolution marked the end of occupation and total restoration of full sovereignty to Iraq, as well as mandating the United Nations with a clearly defined and leading role in the political process of the country. Most speakers expressed appreciation for the flexibility shown by the sponsors in agreeing to take into account many of their concerns during the drafting process, particularly with respect to the nature of Iraq's sovereignty and the relationship between the Interim Government and the multinational force.

³⁵ *Ibid.*, pp. 4-9.

³⁶ S/2004/461, addressed to the President of the Council, containing observations of the Secretary-General and the text of the briefing by his Special Adviser to the Council in its 4984th meeting, on 7 June 2004.

³⁷ S/2004/460.

³⁸ The two letters, from the Prime Minister of the Interim government of Iraq and the Secretary of State of the United States addressed to the President of the Security Council, outlined arrangements for coordination between the multinational force and Iraqi security forces.

³⁹ The Secretary-General attended the meeting, but did not make a statement.

The representative of the United States said that the letters annexed to the resolution described the security partnership that was being put into place between the sovereign Government of Iraq and the multinational force.⁴⁰ The representative of the United Kingdom stated that the issue of the relationship between the Interim Government of Iraq and the multinational force, in particular with respect to security arrangements, had undeniably been the most complex issue in the negotiations. However, the resulting arrangements, stemming from discussion with the incoming interim Government, made clear that the Iraqi security forces, including armed forces, would be responsible to Iraqi ministers, and that an Iraqi-led forum would set the broad Iraqi security policy framework. National, regional and local coordination mechanisms would ensure unified command for those operations to which the Iraqi Government committed its troops. The aim would be to reach an agreement on the full range of fundamental security and policy issues and sensitive operations.⁴¹

The representative of France stated that he would have preferred that the text had clarified that the interim Government of Iraq had the final say in the undertaking of sensitive military operations, instead of indicating that the interim Government and the multinational force would have to reach an agreement, without specifying what would happen in the case of disagreement. However, as the interim Government of Iraq had not explicitly requested a provision to that effect, his Government had been satisfied at the final adjustment, and moreover could not imagine that the multinational force would go against the opinion of the sovereign Government of Iraq.⁴² The representative of the Russian Federation stated that it was important that the coordination mechanism which was to be developed between the new Iraqi leadership and the command of the multinational force not infringe on the sovereignty of the interim Government of Iraq, and the work of the force should be done with the agreement of the sovereign Iraqi authorities. He further stated that the resolution confirmed the need for a final clarification of issues related to proscribed Iraqi military programmes, which had been the reason for starting the war against Iraq and thus could not be left unattended. Moreover, he expected the Council to

begin work on adapting the mandates of UNMOVIC and IAEA to the new conditions created by resolution 1546 (2004).⁴³ The representative of Spain noted that he would have wanted the United Nations to assume guidance over the political and military process in Iraq, and that the political transition could have been accelerated further to a normalized situation.⁴⁴

Several representatives highlighted the importance of a reference in the preambular part of the resolution to commitment of all armed parties in Iraq to adhere to international law, including international humanitarian law.⁴⁵ The representative of Spain stated that that provision should also have been included in the operative part of the resolution.⁴⁶

**Decision of 12 August 2004 (5020th meeting):
resolution 1557 (2004)**

At its 5020th meeting, on 12 August 2004, the Council included in its agenda the report of the Secretary-General of 5 August 2004.⁴⁷ None of the Council members made statements at the meeting.

In his report, the Secretary-General noted that owing to the security situation, international United Nations staff were not yet permanently based inside Iraq, operating instead from Amman and Kuwait, but nevertheless continued with a broad range of activities inside Iraq through the efforts of Iraqi national staff. The United Nations Assistance Mission for Iraq (UNAMI) was in the process of identifying electoral commissioners.

The President (Russian Federation) drew the Council's attention to a letter dated 23 July 2004 from Egypt addressed to the President.⁴⁸ The President

⁴⁰ S/PV.4987, p. 2.

⁴¹ Ibid., p. 3.

⁴² Ibid., p. 8.

⁴³ Ibid., p. 9.

⁴⁴ Ibid., p. 11.

⁴⁵ Ibid., p. 5 (Pakistan); p. 7 (France); p. 9 (Russian Federation); p. 10 (Chile); p. 12 (Spain); and p. 13 (Brazil).

⁴⁶ Ibid., p. 12.

⁴⁷ S/2004/625, submitted pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003).

⁴⁸ S/2004/590, transmitting the final statement of the sixth Conference of the Ministers for Foreign Affairs of States neighbouring Iraq, held in Cairo on 21 July 2004, in which the Ministers welcomed resolution 1546 (2004) and reaffirmed the right of the Iraqi people to freely determine their future and exercise full control over their natural and financial resources.

further drew attention to a draft resolution;⁴⁹ it was put to the vote and adopted unanimously as resolution 1557 (2004), by which the Council, *inter alia*, extended the mandate of UNAMI for a period of 12 months with a view to reviewing the mandate of UNAMI in 12 months or sooner if requested by the Government of Iraq.

**Deliberations of 14 September 2004
(5033rd meeting)**

At its 5033rd meeting, on 14 September 2004, the President (Spain) drew the attention of the Council to the report of the Secretary-General dated 3 September 2004.⁵⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and by the representative of the United States, speaking on behalf of the multinational force.⁵¹ The representative of Iraq made a statement after the briefings.

In his report, the Secretary-General noted that following the restoration of sovereignty to an interim government of Iraq on 28 June 2004, the convening of the National Conference marked another step in Iraq's political transition towards a constitutionally elected Government. The Conference was held in difficult circumstances and had many shortcomings. In particular, neither the Conference itself, nor the interim National Council which emerged from it, was as broad-based and as inclusive as most Iraqis would have wanted. The overall security environment had not seen any significant improvement. Coupled with a tragic pattern of hostage-takings and indiscriminate killings of innocent civilians, there had been renewed activity on the part of various insurgent groups throughout the country.

The Special Representative stated that he had arrived with his team in Baghdad on 13 August, and among his first tasks had been to address the National Conference, held from 15 to 18 August. Although the conference was attended by more than 1,000 delegates, he suggested it should be a matter of high priority for the Government of Iraq to include those groups which had felt excluded in the electoral process. He emphasized that the transfer of sovereignty to the

interim Government had not been followed by an improvement in the security situation. He reiterated that security challenges could be resolved through political solutions, not only the use of force. The extent of UNAMI activity would be determined by the prevailing circumstances, including the security environment. UNAMI continued to facilitate a sustained effort, from inside and outside Iraq, to support the coordination efforts of the Iraqi authorities in capacity-building, humanitarian assistance, reconstruction and development. UNAMI was also liaising with Iraqi authorities, civil society and others to promote human rights and the rule of law. The security environment was far from conducive to the deployment of UNAMI international staff to Iraq, except in minimal numbers, and the movements of United Nations staff were limited to inside the Green Zone. UNAMI was working to generate its own internal security capacity, and the Secretary-General intended to write to the Council regarding the need to identify a distinct entity of the multinational force to provide security for the United Nations presence in Iraq. The Special Representative urged the Council to consider that letter at its earliest convenience. He also said that the support of the Security Council would be of vital importance to maintain progress in Iraq's future transition.⁵²

The representative of the United States, speaking on behalf of the multinational force, briefed the Council on the security situation, the effort to strengthen Iraq security forces, rebuilding infrastructure and on the expectations of the force regarding the future involvement of the United Nations in Iraq. He stated that the security situation in Iraq remained fragile, as insurgents had again increased their attacks against Government officials, civilian contractors, foreign nationals and the Iraqi people. Attacks on the multinational force had also increased, largely due to resumption of attacks by the Mahdi Army associated with Moqtada al-Sadr. In spite of these challenges, the multinational force, working closely with the Iraqi security forces, continued its efforts to improve security throughout the country. It continued to train and deploy Iraqi forces at an accelerated pace to counter insurgent activity. He reported that personnel assigned to the multinational force, in addition to improving security, were working to restore basic infrastructure and the creation of

⁴⁹ S/2004/637.

⁵⁰ S/2004/710, the first quarterly report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁵¹ The briefing was provided pursuant to resolution 1546 (2004).

⁵² S/PV.5033, pp. 2-5.

economic opportunities for the Iraqi people. With respect to the role of the United Nations, he stated that the Organization was crucial to meeting the challenges that remained before a stable Iraq could be created, as the multinational force remained committed to the timetable for holding national elections no later than January 2005.⁵³

The representative of Iraq stated that, in spite of an unprecedented rise in terrorist violence, the interim Government of Iraq had taken office ahead of schedule. A principal function of the Government now was to provide for elections, as required by the Transitional Administrative Law and affirmed in resolution 1546 (2004). He said that terrorists were determined to frustrate that process, and were therefore now working to delay elections. Keeping the United Nations and the world out of Iraq was one of the tactical goals of the terrorists, a goal which they unfortunately had met with some success. He stressed that more United Nations personnel than the current number in Iraq were needed to carry out the task to which they had been assigned. He appealed to the international community to provide the necessary security for United Nations staff.

In response to the severe security situation, his Government had announced a two-track approach. On the one hand, it was determined that no one would be able to achieve political ascendancy or legitimacy through force of arms. On the other hand, it encouraged individuals and movements which were willing to lay down their arms and abide by the rule of law and by the terms set forth by the Prime Minister to enter the political process. The Prime Minister had been in dialogue with groups that had until now not been in the political process. He said that those who had predicted an inter-ethnic or inter-confessional strife in post-war Iraq had been proved wrong, and that whatever problems Iraq was facing, a civil war was not one of them. He emphasized that Iraq needed the help of every Member State to help forge a unified, federal and democratic Iraq, and that failure to do so would be too great for the region and for the world.⁵⁴

⁵³ Ibid., pp. 5-7.

⁵⁴ Ibid., pp. 7-9.

**Decision of 1 October 2004 (5047th meeting):
letter from the President to the
Secretary-General**

At its 5047th meeting, on 1 October 2004,⁵⁵ the Council included in its agenda a letter dated 21 September 2004 from the Secretary-General addressed to the President of the Security Council.⁵⁶ In his letter, the Secretary-General outlined the planned integrated UNAMI security structure which would consist of four elements, namely, international security staff, protection coordination officers, personal security details and guard units. The United Nations security structure would be in addition to the protection provided by the multinational force. Three guards units, each consisting of 160 armed civilian police, paramilitary and military personnel, would be provided as contingents from Member States, and form part of UNAMI.

The President (United Kingdom) drew the attention of the Council to a draft reply to the letter, in which the President proposed to inform the Secretary-General that the Council welcomed the proposed arrangements. The Council decided to send the proposed letter.⁵⁷

**Decision of 30 November 2004 (5092nd
meeting): letter from the President to the
Secretary-General**

At its 5092nd meeting, on 30 November 2004, the Council included in its agenda a letter dated 26 November 2004 from the representative of the Netherlands transmitting a letter from the Minister for Foreign Affairs of the Netherlands to the President of the Security Council.⁵⁸ The President (United States) drew the attention of the Council to a draft reply, in which the President proposed to inform the Secretary-General that the Council endorsed the creation of a trust fund envisioned in his letter of 26 November 2004 to the Foreign Minister of the Netherlands, annexed to the aforementioned letter, and requesting him to establish such a fund without delay and no later than 3 December 2004. The Council decided to send the proposed letter.⁵⁹

⁵⁵ The Secretary-General was present at the meeting.

⁵⁶ S/2004/764.

⁵⁷ S/2004/765.

⁵⁸ S/2004/927.

⁵⁹ S/2004/929.

**Decision of 16 February 2005 (5123rd meeting):
statement by the President**

At its 5099th meeting, on 13 December 2004, the Council included in its agenda the report of the Secretary-General dated 8 December 2004.⁶⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and by the representative of the United States, speaking on behalf of the multinational force.⁶¹ In his report, the Secretary-General noted that brutal violence prevailed in the central areas of Iraq, and that killings and abductions and hostage-taking were reported on a daily basis. In response, the interim Government of Iraq had declared a 60-day state of emergency in the country, except in the three northern governorates, with measures including revocation of weapons permits and disbandment of the local police in Fallujah and Ramadi, the imposition of curfew in those and other main cities, closures of the borders with the Syrian Arab Republic and Jordan, and temporary closure of Baghdad International Airport to civilian traffic. The state of emergency was to extend through a substantial period of the electoral process, including the certification process for political entities, the voter registration process, and the electoral campaign period. Furthermore, the interim Government of Iraq had authorized a joint military operation with Iraqi forces and the multinational force to regain control of Fallujah.

The Secretary-General reported that the United Nations continued to support the work of the Independent Electoral Commission of Iraq, and technical preparations remained on schedule, with elections announced for 30 January 2005. According to the Transitional Administrative Law, elections were to be held for the Transitional National Assembly, the governorate councils, and the Kurdistan National Assembly.

With respect to the security situation, the most recent review by the United Nations Security Coordinator assessed that the threat to United Nations personnel in Iraq remained in the critical category, necessitating continuation of the very extensive staff protection measures. Work to establish a distinct entity

within the multinational force for the protection of the United Nations personnel in Iraq was ongoing.

The Special Representative of the Secretary-General stressed that, although there was a widespread desire among Iraqis to participate in elections, some important segments of the population still felt alienated or excluded from the transition. During the past three months, the United Nations had continued to engage in dialogue with a wide spectrum of Iraqi opinion, including people outside the political mainstream, with the aim of encouraging participation in the political process. The interim Government had made efforts to reach out to alienated elements. He also commended recent regional and international engagement that had brought together key actors, including the Sharm el-Sheikh Conference in November, and the subsequent meeting of regional interior ministers in Tehran.⁶²

The representative of the United States, speaking on behalf of the multinational force, stated that increased presence of the United Nations remained critical for the holding of successful elections in January 2005 and beyond, as well as for economic development and reconstruction. He said that the multinational force, in cooperation with the interim Iraqi Government, continued to combat terrorism, destroy weapons that threatened the stability of the country and gather intelligence. Progress had been made in creating conditions that would allow for free and fair elections. In the months since the last report, attacks against the multinational force by means of small arms, rocket-propelled grenades, mortars and explosive devices had increased. Insurgents had also attacked Iraqis who worked for their Government, as well as foreign workers.⁶³

The representative of Iraq pointed out that while the report of the Secretary-General referred to those who had called for the boycott of elections, there was no reason to assume that these persons spoke for a sizable contingent of Iraqis. He stressed that “promoting consensus”, as urged in the report, if in the sense of “unanimity”, would be an impossible task, although the Government was fully aware of the need for national reconciliation. Failure of the elections and their credibility was more likely to result not so much from a boycott as from the campaign of violence and intimidation directed at the population. While the report

⁶⁰ S/2004/959, the second report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁶¹ The briefing was provided pursuant to resolution 1546 (2004).

⁶² S/PV.5099, pp. 2-4.

⁶³ *Ibid.*, pp. 4-5.

indirectly criticized the use of force to dislodge terrorists from Fallujah, it offered no alternative that had not already been tried for months to no avail. Despite the efforts to engage groups willing to talk, there was instead an increase of brutal killings of civilians. The interim Government of Iraq had thus concluded that those responsible for atrocities were not interested in negotiating and that those who were in dialogue were incapable of ending the violence. Hence, a responsible Government would have no other choice than depriving terrorists of their safe haven. While welcoming the decision of the Secretary-General to increase the number of United Nations election workers in Iraq, he noted that the shortfall of staff was still of concern, and might adversely affect Iraq's preparedness for elections. He was also critical of the United Nations preferred mode of interaction with Iraqi officials, which seemed to be videoconferencing, with most activities carried out in the confines of its premises or from outside Iraq. Although not forgetting the sacrifice of United Nations workers on 19 August 2003, it was critical for the United Nations to bolster its presence and intensify its activities in Iraq.⁶⁴

At its 5123rd meeting, on 16 February 2005,⁶⁵ the Council heard a briefing by the Under-Secretary-General for Political Affairs. The representative of Iraq made a statement after the briefing.

The Under-Secretary-General stated that the holding of three simultaneous elections in Iraq on 30 January — for the Transitional National Assembly, 18 Governorates and the Kurdish National Assembly — was a momentous event for Iraqis and for the international community.⁶⁶ The elections met recognized standards in terms of election organization, regulations and procedures. Assessments of international observers indicated overall satisfaction with the conduct of the polls, and a relatively small number of complaints of irregularities that had been conveyed to the Independent Electoral Commission were being investigated. The turnout for the Transitional National Assembly was more than 8 million voters.

⁶⁴ *Ibid.*, pp. 5-6.

⁶⁵ The Secretary-General attended the meeting.

⁶⁶ The electoral assistance team, in addition to United Nations personnel, included experts from the European Union, Chile, the United Kingdom and the International Foundation for Election Systems.

The Under-Secretary-General stated that it was clear from the overall participation in the elections that the people of Iraq were committed to the political transition process, but regional variations were significant, and this needed to be addressed if there was to be more complete participation in the constitution-making process. Although daily attacks against foreigners and Iraqis had resumed, the Under-Secretary-General hoped that the elections would mark a water-shed, and that success in making the political process more inclusive would have a positive effect on the security situation. Iraq's most immediate challenge was to form a transitional government that would be broadly representative of all Iraqi constituencies. The prospect of a referendum in eight months should serve as an important incentive for an inclusive, participatory and transparent constitutional process, given that a two-thirds vote for rejection in three governorates would block the adoption of the new constitution.

The Under-Secretary-General said that prominent leaders in Iraq had indicated the possibility of inviting representatives of groups which might otherwise have been underrepresented in the Transitional Assembly owing to the low turnout in some regions, particularly among Sunni Arabs. Conversely, some political elements that had urged a boycott of elections now appeared to be insisting that their views must be included in any dialogue and the drafting of the constitution. He reiterated that the political transition had to be Iraqi owned, and the United Nations could best contribute in helping to create enabling conditions for all Iraqis to share and succeed in the political and economic reconstruction of their country. He noted that some of the issues to be negotiated by Iraqis in the constitution-making process would touch upon the security interests of neighbouring countries, and every effort should be made to normalize Iraq's relations with the region. It was especially important that Iraq's sovereignty, political independence and territorial integrity be respected.⁶⁷

The representative of Iraq expressed his appreciation of the Independent Electoral Commission for the way the elections were organized, and commended the United Nations for its vital contribution, as well as the International Organization for Migration for facilitating elections for Iraqis abroad. He expressed regret that some parties chose not

⁶⁷ S/PV.5123, pp. 2-4.

to participate in the elections, despite great efforts by the interim Government to convince them otherwise, but stated that all communities that opted for peace would be included in both the electoral processes and the constitution-making process. He assured the Council that Iraq was living in a new era that stood for principles of democracy, freedom of expression, respect for human rights, adherence to international law and building sound relations with neighbouring countries. He hoped that the efforts of the Council would be consolidated through a programmed and rapid removal of the punitive measures and restrictions that were imposed on Iraq because of the reckless policies of the previous regime.⁶⁸

At the 5123rd meeting, on 16 February 2005, the President made a statement on behalf of the Council,⁶⁹ by which the Council, *inter alia*:

Affirmed its continuing support for the Iraqi people in their political transition and reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq;

Stressed the need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible;

Strongly encouraged the Transitional Government of Iraq and the Transitional National Assembly to reach out broadly to all segments of Iraqi society, with a view to promoting genuine political dialogue and national reconciliation and to ensuring that all Iraqis were duly represented and had a voice in the political process and the drafting of the Iraqi Constitution;

Reaffirmed the leading role of the Special Representative of the Secretary-General and UNAMI set out in resolution 1546 (2004) in support of Iraq's own efforts and as requested by the Government of Iraq, to promote national dialogue and consensus-building on the drafting of a national constitution;

Urged the United Nations to prepare itself rapidly and encouraged the members of the international community to provide advisers and technical support to the United Nations to help it fulfil this role;

Condemned, in the strongest possible terms, acts of terrorism in Iraq, which should not be allowed to disrupt Iraq's political and economic transition;

Stressed the continued importance of Iraq's neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq's borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

⁶⁸ *Ibid.*, pp. 4-6.

⁶⁹ S/PRST/2005/5.

Deliberations of 11 April 2005 (5161st meeting)

At its 5161st meeting, on 11 April 2005, the Council included in its agenda the report of the Secretary-General dated 7 March 2005.⁷⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and by the representative of the United States on behalf of the multinational force.⁷¹ The representative of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that 8.8 million Iraqis, of a voter population of more than 14 million, had participated in the national elections held on 30 January 2005. Security remained a major concern in Iraq, with large number of casualties also among Iraqi security forces. The Government of Iraq had extended the special measures, including curfew in some parts of the country. He expressed concern over potential political and humanitarian consequences of an escalation of the situation in Al-Anbar, after the multinational force and the Iraqi security forces had launched a large-scale counterinsurgency operation there.

The Special Representative stated that the convening of the Transitional Assembly on 16 March and the election of a new President and two Vice-Presidents were further testimony of Iraq's progress towards a democratic future. In spite of low voter turnout in some areas, all the major parties, including those that did not participate in the elections, had engaged in intensive negotiations for the formation of the Government and the constitution-making process. He said that the drafting of a national constitution provided a historic opportunity for Iraqis to come together, and that failure to pursue further dialogue and reconciliation would involve a higher price for the parties concerned than would the necessary compromise for reaching national consensus through peaceful means. He welcomed the assurances of prominent leaders against pursuing a sectarian agenda or imposing majoritarian views on issues in which all Iraqis had a stake, including issues related to the nature and character of the Iraqi State.

The Special Representative reiterated that a credible political process offered the best prospect for

⁷⁰ S/2005/141 and Corr.1, the third report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁷¹ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

improving the security situation. He stressed that the human rights situation in Iraq continued to warrant close attention in some areas, including Fallujah, where the civilian population remained deprived of the protection afforded by international humanitarian law. Continuing reports of detentions and the absence of adequate arrangements for due process were issues that needed to be addressed. He stressed that the Security Council had a special responsibility to ensure that Iraq's relations with the region and the international community could be normalized expeditiously.⁷²

The representative of the United States reported that, on election day, some 130,000 Iraqi security personnel had been on duty, securing 5,200 polling stations. The United States Embassy and the leadership of the multinational force continued to attend, at the invitation of the Government of Iraq, Iraq's Ministerial Committee on National Security, which set a broad framework for Iraqi security policy, consistent with resolution 1546 (2004). She urged the United Nations to undertake preparations with a view to playing a leading role in promoting national dialogue and consensus-building on the drafting of the constitution.

She also reported that, consistent with resolution 1546 (2004), a distinct entity under the unified command of the multinational force had assumed the mission of providing security for the United Nations presence in Iraq. She also highlighted the importance of a broad-based participation in the drafting of the constitution of Iraq.⁷³

The representative of Iraq noted that the two-year anniversary of the fall of the previous regime had just been marked, marking the end of years of suffering caused by a regime which maintained power for 35 years against the will of the Iraqi people. The incoming transitional Government of Iraq would soon start the process of preparing to draft a permanent constitution, and complete the building of fully legitimate institutions of State. He noted that many countries that had expressed reservations about the decision to remove the previous regime by military force had risen to the challenge of assisting Iraq in their efforts to rebuild.

He highlighted two factors that would be vital for Iraq going forward. First, the resolute support of the international community and, secondly, that the

Council revisit its pre-April 2003 resolutions on Iraq to dismantle the relevant legal, bureaucratic and other structures that had outlived their relevance.⁷⁴

B. The situation concerning Iraq

Initial proceedings

Deliberations of 31 May and 16 June 2005 (5189th and 5204th meetings)

At its 5189th meeting, on 31 May 2005, the Security Council included in its agenda without objection the item entitled "The situation concerning Iraq". The President (China) drew the attention of the Council to a letter dated 24 May 2005 from the representative of Iraq, transmitting a letter from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council, requesting the extension of the mandate of the multinational force in Iraq.⁷⁵ At the meeting, the representative of the United States, on behalf of the multinational force, gave a briefing to the Council,⁷⁶ and the Minister for Foreign Affairs of Iraq made a statement.

The representative of the United States recalled that in resolution 1546 (2004), the Council had agreed to review the mandate of the multinational force either at the request of the Government of Iraq, or by 8 June 2005, and that the Foreign Minister of Iraq, in his letter of 24 May, had requested the Council to allow for the continuation of that mandate. A harsh security situation in Iraq confronted the new Government of Iraq. In spite of dramatic attacks against Iraqi citizens, Iraqis had been increasingly willing to help the multinational force, and also continued to volunteer to the Iraqi forces. She noted that Iraqis wanted to defend themselves, and the multinational force was making progress in its goal of helping Iraqi security forces move towards self-reliance. She also said that the United Nations had a leading and vital role to play in providing valuable assistance to the political transition in Iraq, and urged the United Nations to deploy the necessary experts as soon as possible to that end. She further stated that a specific timeline for the withdrawal of the multinational force could not be set,

⁷⁴ Ibid., pp. 7-8.

⁷⁵ S/2005/337.

⁷⁶ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

⁷² S/PV.5161, pp. 2-5.

⁷³ Ibid., pp. 5-7.

consistent with the Iraqi request. Any decision regarding force size would be driven by events on the ground. She also said that the degree to which the Iraqi people were satisfied with the way the Transitional National Assembly approached the constitutional process and worked to include all Iraqis would be of obvious relevance to the prospects of the future.⁷⁷

The Minister for Foreign Affairs of Iraq said that, in the formation of the transitional Government of Iraq, all communities had been reached out to in order to form a national unity Government that was inclusive and representative. Power had been shared also with those who boycotted or did not fare well in the January elections. However, political achievements had been made at a great cost to the Iraqi people, the Iraqi security forces and the multinational force. The Minister acknowledged that Iraq still faced a destructive campaign of terror and violence that aimed to derail the political process. Despite its efforts to build up its security forces, Iraq could not yet assume responsibility for maintaining law and order and the country needed the multinational force to continue providing its essential services. He reiterated the formal request of his Government for a continuation of the force's mandate.

The Minister stated that the Government of Iraq had repeatedly urged each of its neighbouring countries to abide by their obligations under resolution 1546 (2004) to prevent the transit of terrorists, and arms for terrorists to and from Iraq. To his regret, some had refused to translate their assurances into concrete action. He further stated that recently the Syrian Arab Republic had reported that it had stopped 1,000 foreign fighters from entering Iraq. He welcomed that action, but noted that it confirmed that the Syrian Arab Republic had been one of the main transit routes for foreign terrorists, as well as for the remnants of the previous regime. He urged the Syrian Arab Republic to do more to prevent the movement of extremist elements into Iraq. He emphasized that the mandate of the new transitional Government, outlined in resolution 1546 (2004), was to draft a new permanent constitution by 15 August. That constitution would be subject to a national referendum in October 2005. It would enshrine the ideas of any free people in its charter: pluralism, democratic rights, federalism, human rights and civil liberties, and it would embrace the diversity

⁷⁷ S/PV.5189, pp. 2-3.

within the unity, reaffirming the territorial integrity, sovereignty and independence of Iraq.

With respect to the role of the United Nations, the Minister said that the Organization had a history of experience that it could bring in advising the drafting committee, which had already begun its work. He urged the United Nations to appoint an electoral adviser to continue supporting the preparations for the general elections scheduled in December. On a separate note, he proposed that the mandate of the International Advisory and Monitoring Board, which was soon due for review, be extended until the end of the political process in Iraq.⁷⁸

At its 5204th meeting, on 16 June 2005, the Council included in its agenda the report of the Secretary-General dated 7 June 2005 on the United Nations Assistance Mission for Iraq (UNAMI).⁷⁹ The Council heard a briefing by the Assistant Secretary-General for Political Affairs. The representative of Iraq made a statement after the briefing.

In his report, the Secretary-General noted that the Transitional National Assembly had elected the transitional Government of Iraq, after prolonged negotiations between various political or ethnical factions. The transitional Government was expected to serve under a new permanent constitution leading to a constitutionally elected Government by 31 December 2005. He said that the Transitional National Assembly had also established a Constitution Drafting Committee, and that a draft constitution, finalized by 15 August, would be presented for a referendum by 15 October 2005.

These developments had occurred in a security environment that had shown no signs of improvement, with a significant increase in attacks against Iraqi civilians, as well as security forces and the multinational force. As the multinational force and Iraqi security forces had stepped up their counterinsurgency campaigns, there were reports of high casualty rates and alleged violations of civil liberties and human rights by all sides.

The Assistant Secretary-General in his briefing said that many inside and outside Iraq saw the political transition process as having entered a decisive phase in

⁷⁸ *Ibid.*, pp. 4-6.

⁷⁹ S/2005/373, the fourth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

the process of national reconciliation. The experience of the United Nations around the world had demonstrated that national reconciliation and democratic processes were most successful when the majority allowed minorities the full exercise of their political rights and the opportunity to participate in governance and reconstruction. The Assistant Secretary-General further emphasized that advances in the political process would need to be complemented by tangible improvements in the reconstruction, development and humanitarian areas. The United Nations, through creative arrangements with Iraqi implementing partners and on the basis of Iraqi priorities, continued to deliver assistance in those areas inside Iraq.

With respect to the security situation in Iraq, the Assistant Secretary-General highlighted as of particular concern the increasing sectarian logic that appeared to be inspiring much of the violence, with innocent Iraqi civilians bearing the brunt of the use of force. He stressed that it was incumbent upon all parties to fully respect their obligations under international humanitarian law and to ensure that the use of force was minimized in order to avoid civilian casualties.

He also said that UNAMI had already demonstrated that effectiveness could be achieved with limited capacity on the ground, but that the United Nations willingness to deliver on expectations had to be tempered by a realistic assessment of the prevailing security and operational conditions.⁸⁰

The representative of Iraq stated that his Government was keenly aware of the need to open the process of drafting the constitution to all segments of Iraqi society. He assured the Council that the Government of Iraq was also concerned about and committed to continually improving the state of human rights in Iraq. After 35 years of utter brutality, it would take some effort for State institutions to be acculturated towards respect for basic human rights, but the Government remained determined to reach that goal, which was so vital to the transition.

He recalled, as provided in resolution 1546 (2004), the Council's intention to revisit the mandates of the United Nations Monitoring Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). He stated

that the discussion of the respective mandates should be guided by the fundamental consideration that Iraq had no desire to acquire, manufacture or stockpile weapons of mass destruction. As Iraq continued to reintegrate itself into the world system, including by accepting international norms governing such weapon systems, it expected to be treated no differently than any other Member State.⁸¹

Decision of 24 June 2005 (5214th meeting): letter from the President to the Secretary-General

At the 5214th meeting, on 24 June 2005, the President (France) drew the attention of the Council to a letter dated 20 June 2005 from the Secretary-General to the President of the Council,⁸² concerning the escrow account established under resolution 1284 (1999) and related resolutions, in which it was proposed that \$220,256,697 would be transferred to the Development Fund for Iraq, and credited against assessments issued in respect of the obligations of the Government of Iraq for regular budget, peacekeeping and tribunal activities of the Organization. The President then presented a draft letter of response, in which the Council agreed to the proposal. The Council agreed on sending the letter.⁸³

Decision of 11 August 2005 (5247th meeting): resolution 1619 (2005)

At the 5247th meeting, on 11 August 2005, the President (Japan) drew the attention of the Council to a letter dated 3 August 2005,⁸⁴ in which the Secretary-General recommended the extension of the mandate of UNAMI, pursuant to resolution 1546 (2004), for another period of 12 months. The Secretary-General was present during the meeting. The President also drew attention to a draft resolution;⁸⁵ it was adopted unanimously as resolution 1619 (2005), by which the Council decided to extend the mandate of UNAMI for another period of 12 months and expressed its intention to review the mandate of UNAMI in 12 months or sooner, if requested by the Government of Iraq.

⁸¹ *Ibid.*, pp. 4-5.

⁸² S/2005/406.

⁸³ S/2005/407.

⁸⁴ S/2005/509.

⁸⁵ S/2005/515.

⁸⁰ S/PV.5204, pp. 2-4.

**Deliberations of 7 September 2005
(5256th meeting)**

At its 5256th meeting, on 7 September 2005, the Council heard a briefing by the Chairman of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme.⁸⁶ The Secretary-General, all Council members and the representative of Iraq made statements during the meeting.

In his briefing, the Chairman presented some of the main findings of the inquiry. He recalled that the assignment of the Committee had been to look for misadministration or maladministration in the oil-for-food programme and for evidence of corruption within the United Nations and by contractors. The Committee had, unhappily, found both, documented in great detail in the extensive report it had produced. The responsibility for the failures had to be broadly shared, starting with Member States and the Security Council itself. He stated that the programme had left too much initiative with Iraq, which had the means for manipulating the programme to its own end. That basic difficulty was compounded by a failure to clearly define the complex administrative responsibilities shared between the Security Council Committee established by resolution 661 (1990) and the Secretariat, and by continuing political differences. Those weaknesses were aggravated by unethical and corrupt behaviour at key points at the top of the Office of the Iraq Programme and in the purchasing department. There had been a pervasive absence of effective auditing and administrative controls.

He underlined that weak planning, sorely inadequate funding, the absence of truly independent status for the auditing, and too few professional staff were all characteristics of the process. Close cooperation among various United Nations organs apparently went against the grain for agencies with their own funding, management and oversight. In a complex programme that had required common funding and invoked common purpose, absence of full cooperation should not have been tolerated.

The Chairman also emphasized that an expert study commissioned by the Committee had confirmed that the programme had averted the clear and present danger of malnutrition and further collapse of medical

services in Iraq, in addition to the support that the programme provided for maintaining the basic sanctions against Iraq. In its conclusions, the Committee suggested that a new chief operating officer be appointed with a clear mandate and authority for administration. The conclusions of the inquiry had underlined the need for strong and independent auditing control and investigatory functions. He said that the problems described in the report were symptomatic of deep-seated systemic issues, not something that could be smoothed over with patchwork changes. The problems had arisen in an organization designed over 60 years before for a simpler time, without the large and complex operational challenges alongside its political and diplomatic responsibilities. He emphasized that a United Nations programme carried with it — and should carry with it — a strong sense of international legitimacy, which no single nation or group would match. However, more than legitimacy was essential to success. He noted that support was in the end dependent on credibility and confidence that have been challenged by the travails of the oil-for-food programme. To some degree, the United Nations had been weakened. That is why reform was so urgent. In concluding, he urged the Council and the General Assembly to take action.⁸⁷

The Secretary-General recalled that it was on his initiative and with the support of the Council that the inquiry had been conducted. He said that few other organizations would have opened themselves to independent scrutiny as fully as the United Nations had done, and that indeed the truth as revealed in the successive reports of the inquiry was painful. He stated that he had no doubt that the United Nations would however benefit from the findings.

The Secretary-General said that he accepted full responsibility for his own failures and regretted his lack of diligence in pursuing investigations of alleged misdeeds. At the same time, he was gratified that the report had found that the oil-for-food programme had succeeded in restoring and maintaining minimal standards of nutrition and health in Iraq, while also helping to maintain the international effort to prevent Saddam Hussein from acquiring weapons of mass destruction. The most important conclusion of the report was the Committee's finding that the general management of the programme was characterized by

⁸⁶ The inquiry was conducted pursuant to resolution 1538 (2004), in which the Council welcomed the appointment of the inquiry at the Secretary-General's initiative.

⁸⁷ S/PV.5256, pp. 2-3.

weak administrative practices and inadequate control and auditing. Here too, he said, as chief administrative officer, he had to take responsibility for the failings revealed, both in the implementation of the programme and more generally in the functioning of the Secretariat. The Secretary-General further stated that many of the problems were rooted in an unclear demarcation of roles and responsibilities among the Council, the Committee established pursuant to resolution 661 (1990) and the Secretariat, and in particular in the Council's decision to retain substantial elements of operational control within the Committee, composed of national diplomats working under highly politicized instructions from their Governments.

He said that the findings underlined the vital importance of proposed management reforms, and that he had already embarked on new reforms in areas where he had the discretion to do so, with a view to strengthening management, oversight, accountability and transparency and ensuring the highest standards of ethics. He stressed however there were many key decisions that only the General Assembly could make. He also emphasized that the rules governing the budgetary and human resources must allow the United Nations to attract, develop and retain a cadre of professionals with appropriate skills to manage large-scale operations. Moreover, he should be allowed to carry out his functions effectively, taking day-to-day decisions on deployment of staff and resources without having to wait for prior approval from the General Assembly or the Council. In concluding, he stated that the findings of the report should be deeply embarrassing to all, and that reform was imperative if the United Nations was to regain and retain the measure of respect among the international community that its work required.⁸⁸

All Council members in their statements commended the efforts of the Independent Inquiry Committee. Most speakers said that in spite of its failings, the oil-for-food programme, guided by the humanitarian imperative, had nevertheless played a crucial role in alleviating sufferings and providing food and medicines to Iraqis.⁸⁹ Many speakers stressed that the responsibility for the failings must be shared by the

⁸⁸ Ibid., pp. 4-5.

⁸⁹ Ibid., p. 5 (United Kingdom); p. 6 (United States, Russian Federation); p. 7 (Algeria); p. 8 (Japan); p. 9 (France); p. 10 (Argentina); p. 11 (Denmark, Brazil); and p. 12 (Greece, Romania).

Council itself, Member States and the Secretariat. Some representatives said that the Saddam Hussein regime, having exploited the good will of the United Nations for personal benefit, was the main culprit.⁹⁰ The representative of Algeria said that the Council, having created the programme, had to accept a great share of the responsibility for the failings,⁹¹ and in the same vein, the representative of the United Republic of Tanzania noted that all the wrongs had happened under the oversight of the Council.⁹² Most Council members said that the findings of the reports and the failures of the oil-for-food programme had epitomized the urgent need for reforms of the United Nations administration, in order to ensure better management, transparency and accountability,⁹³ and some in particular expressed support for the Secretary-General's reform efforts.⁹⁴ The representative of the United States lamented the fact that efforts to reform were often met by resistance from other Member States.⁹⁵

The representative of Iraq stated that from the conclusions in the report it was very clear that the Iraqi people had not received full value for their money, but had for various reasons been robbed of a great deal of what was theirs by right; thus they were the ones who had paid the price for the failings of the programme. He called upon the Council to consider the formation of a group, funded by the United Nations, to help Iraq pursue its assets which had been dispersed through the programme.⁹⁶

**Decision of 8 November 2005 (5300th meeting):
resolution 1637 (2005)**

At its 5266th meeting, on 21 September 2005, the Council included in its agenda the report of the Secretary-General dated 7 September 2005 on

⁹⁰ Ibid., p. 5 (United Kingdom); p. 6 (United States); p. 9 (France); and p. 10 (Argentina).

⁹¹ Ibid., p. 7.

⁹² Ibid., p. 9.

⁹³ Ibid., p. 6 (United States, Russian Federation); p. 7 (Algeria); p. 8 (Japan); p. 9 (United Republic of Tanzania); p. 10 (Argentina, Brazil, France); p. 11 (Denmark, Romania); p. 14 (Philippines); and p. 14 (Iraq).

⁹⁴ Ibid., p. 6 (United Kingdom); p. 7 (Russian Federation); and p. 8 (Algeria).

⁹⁵ Ibid., p. 6.

⁹⁶ Ibid., p. 14.

UNAMI.⁹⁷ The Council heard briefings by the Special Representative of the Secretary-General and the representative of the United States, speaking on behalf of the multinational force.⁹⁸ The Minister for Foreign Affairs of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that delays in convening the Transitional National Assembly and forming the Transitional Government had reduced the time available for completing the draft constitution by the deadline of 15 August, as stipulated by the Transitional Administrative Law.

The Special Representative noted that the Transitional National Assembly had designated a draft national constitution, and that a national referendum was scheduled for 15 October, with general elections scheduled for 15 December. Among the major points of contention in the drafting process were the issues of federalism, modalities of the formation of regions in addition to the Kurdistan region, the identity of the State, the role of Islam as a source of law, and the distribution of powers with respect to national resources, including oil and water. He expressed concern over the high number of civilian casualties caused by the ongoing violence, as well as the deteriorating human rights situation in the country. He said that, in the experience of the United Nations, addressing both past and present abuses on basis of the rule of law and international norms could go a long way in promoting national reconciliation efforts.⁹⁹

The representative of the United States, in her briefing, stated that in spite of progress in Iraq's political transition insurgents remained capable of carrying out attacks against Iraqi civilians. Noting that the goal of the multinational force was to assist Iraqis to provide for their own security, she said the capacity of the Iraqi security forces was increasing, reducing the influence and effectiveness of insurgents and strengthening Iraq's rule of law capabilities. The multinational force, in close coordination with the Government of Iraq and the Coalition, was providing assistance to strengthen Iraq's law enforcement, justice and corrections systems. It was also working to complete critical infrastructure projects. Success would

be achieved, however, when Iraqis themselves could guarantee their own liberty, security and prosperity.

She reported that, as at 19 September, 193,000 Iraqi security personnel had been trained and equipped, and the multinational force had transferred some security responsibilities in a limited number of areas and bases to the Iraqi security forces. She also stressed that the international community, particularly Iraq's neighbouring countries, especially the Syrian Arab Republic, had to do more to stop foreign terrorists entering Iraq and retarding efforts to stabilize and secure the country.¹⁰⁰

The Minister for Foreign Affairs of Iraq said that the constitution drafting committee had been expanded to better represent Iraqi society by including communities that did not take part or did not fare well in the January elections. The Minister encouraged the neighbours of Iraq to root out elements of terror and to join Iraq in regional strategic cooperation, according to resolution 1546 (2004). He also stated that, regrettably, the bulk of foreign fighters were entering across the Iraqi-Syrian border, and the Government of the Syrian Arab Republic had yet to demonstrate serious cooperation in helping Iraq to stop the transit.¹⁰¹

At the 5300th meeting, on 8 November 2005,¹⁰² the President (Russian Federation) drew the attention of the Council to a letter dated 31 October 2005 from the representative of Iraq addressed to the President of the Security Council,¹⁰³ transmitting a request by the Government of Iraq to extend the mandate of the multinational force in Iraq, and to a draft resolution submitted by Denmark, Japan, Romania, the United Kingdom and the United States.¹⁰⁴

The draft resolution was adopted unanimously as resolution 1637 (2005), by which the Council, acting under Chapter VII of the Charter of United Nations, *inter alia*:

Decided to extend the mandate of the multinational force as set forth in resolution 1546 (2004) until 31 December 2006;

⁹⁷ S/2005/585, the fifth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁹⁸ The briefing was provided pursuant to resolution 1546 (2004).

⁹⁹ S/PV.5266, pp. 2-4.

¹⁰⁰ *Ibid.*, pp. 5-6.

¹⁰¹ *Ibid.*, pp. 6-8.

¹⁰² At its 5267th meeting, held in private on 21 September 2005, the Council extended invitations to the Minister for Foreign Affairs of Iraq and the Special Representative of the Secretary-General for Iraq, with whom Council members exchanged views.

¹⁰³ S/2005/687.

¹⁰⁴ S/2005/704.

Decided that the mandate of the multinational force would be reviewed at the request of the Government of Iraq or no later than 15 June 2006, and declared that it would terminate the mandate earlier if requested by the Government of Iraq;

Decided to extend until 31 December 2006 the arrangements established in paragraph 20 of resolution 1483 (2003) for the depositing into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board;

Decided further that the above provisions would be reviewed at the request of the Government of Iraq or no later than 15 June 2006;

Requested that the Secretary-General continue to report to the Council on the operations in Iraq of UNAMI on a quarterly basis;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis; and decided to remain actively seized of the matter.

Several Council members and the representative of Iraq made statements after the adoption of the resolution. All speakers emphasized that the resolution was adopted according to the request and wishes of the Government of Iraq.¹⁰⁵ The representative of the United States emphasized that the unanimous adoption of the resolution showed the broad international support for a federal, pluralist and unified Iraq.¹⁰⁶ The representative of the United Kingdom appealed to all Member States, in particular to Iraq's neighbours, to help prevent terrorists, their weapons and financing from entering Iraq.¹⁰⁷ The representative of Denmark urged the Government of Iraq to do its utmost to ensure full respect for human rights by all Iraqi authorities, including security and police forces.¹⁰⁸ The representative of France said that the future government, at any time, would be able to request that the mandate be renewed or that it end. Unless a contrary decision was made by the Council, that mandate would expire on 31 December 2006. Moreover, the Council had foreseen that the mandate would be reviewed no later than 15 June 2006. In that time, the multinational force and

the Iraqi forces would need to act in compliance with international law.¹⁰⁹ The representative of the Russian Federation said that UNAMI had its work cut out for it, and had to resolve the significant challenges of organizing the elections and promoting mutual understanding among various factions in Iraqi society.¹¹⁰ The representative of Iraq pledged the continued adherence of the Government of Iraq to the political process prescribed by the Council, and looked forward to country-wide elections on 15 December under a constitution that had been approved by the people of Iraq.¹¹¹

Decision of 9 November 2005 (5301st meeting): letter from the President to the Secretary-General

At the 5301st meeting, on 9 November 2005, the President (Russian Federation) drew the attention of the Council to a letter dated 2 November 2005 from the Secretary-General addressed to the President of the Council¹¹² concerning the status of funds in the escrow account established by resolution 1284 (1999). The President presented to the Council a draft response letter, approving the proposal contained in the Secretary-General's letter to transfer \$2.2 million and €226,493 from the escrow account to be credited against assessments issued in respect of the obligations of the Government of Iraq for the budget of IAEA. The Council decided to send the letter.¹¹³

Deliberations of 14th December 2005 (5325th meeting)

At its 5325th meeting, on 14 December 2005, the Council included in its agenda the report of the Secretary-General dated 7 December 2005 on UNAMI.¹¹⁴ The Under-Secretary-General for Political Affairs and the representative of the United States, speaking on behalf of the multinational force,¹¹⁵ delivered briefings to the Council. The representative of Iraq made a statement during the meeting.

¹⁰⁵ S/PV.5300, p. 2 (United Kingdom); p. 3 (United States, Romania); p. 4 (Japan, Denmark); and p. 5 (France, Russian Federation).

¹⁰⁶ *Ibid.*, p. 3.

¹⁰⁷ *Ibid.*, p. 2.

¹⁰⁸ *Ibid.*, p. 5.

¹⁰⁹ *Ibid.*, p. 5.

¹¹⁰ *Ibid.*, p. 6.

¹¹¹ *Ibid.*, p. 6.

¹¹² S/2005/702.

¹¹³ S/2005/703.

¹¹⁴ S/2005/766, the sixth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹¹⁵ The briefing was provided pursuant to resolution 1546 (2004).

In his report, the Secretary-General noted that observations conveyed by various election observer groups were relatively positive on the conduct of the referendum, and that nation-wide elections were scheduled for 15 December 2005.

The Under-Secretary-General stated that the elections would bring to a conclusion the political transition process outlined in resolution 1546 (2004). He noted, however, that although the framework laid out in the resolution had been intended to promote national dialogue and reconciliation, and thus have a positive impact on the security situation, the latter had not occurred. He said that one of the most important tasks facing the new Council of Representatives which would be formed after the elections, would be to establish a constitutional review commission and enable it to undertake its work in a credible and effective manner. The result of the referendum had shown that a significant proportion of Iraqis could not support the draft constitution.

He noted that the Secretary-General had repeatedly drawn attention to the situation of human rights in Iraq, condemning terrorists, insurgent and paramilitary attacks against innocent civilians, and calling on all sides to strictly observe their obligations under international humanitarian law. The situation required urgent action, particularly by the Iraqi authorities and the multinational force. He welcomed the commitment by the multinational force to take initial corrective steps, particularly with regard to detainees. UNAMI would continue to encourage all concerned to ensure that the basic human rights of all Iraqis were respected. Equally important would be the ability of the new Government of Iraq to deliver quickly on the real needs and expectations of the Iraqi people, including tangible improvements of their everyday lives, and to normalize Iraq's status as a full and respected member of the international community. He emphasized that the capacity of the United Nations in Iraq depended on the commitment of the Member States. He noted that the agreement between the United Nations and the United States concerning the establishment of security for UNAMI had been signed, thus formalizing the existing security arrangements for the United Nations in Iraq.¹¹⁶

The representative of the United States stated that there had been an increase in insurgent attacks in the

run-up to the referendum held in October. Attacks were concentrated in four of Iraq's 18 provinces: Baghdad, Ninewa, Al-Anbar and Salahaddin. He reported that about 80 per cent of attacks were directed against the multinational force, while 80 per cent of all casualties were suffered by the Iraqi population. He said that there had been a dramatic increase in intelligence tips provided by the Iraqi population in recent months, indicating increasing popular rejection of the insurgents. Despite persistent security challenges, the multinational force and Iraqi security forces had regained control in some areas previously held by the enemy.¹¹⁷

The representative of Iraq stated that the major challenge facing Iraq as it built its democracy and launched its reconstruction was standing up to terrorism. Defeating it could not be done without the support of the international community, particularly the countries neighbouring Iraq. Stressing that advances in the constitutional referendum and other areas would not have been achieved without great sacrifices by the Iraqi people and without the multinational force in support of political change, or without the United Nations, he said that those gains should not hide the fact that the United Nations presence in Iraq was inadequate. He further stated that it was high time to "close the disarmament file" on the previous regime and to close the UNMOVIC file.

With respect to the question of human rights violations in Iraq, he stated the incidents referred to in the Secretary-General's report had involved only a few individuals, and did not represent the systematic behaviour of the Iraqi forces. The Government of Iraq was addressing the issue, and had expressed desire for international support with a view to developing its institutions in accordance with internationally accepted regulations and norms in the area of human rights.¹¹⁸

**Decision of 14 February 2006 (5371st meeting):
statement by the President**

At the 5371st meeting, on 14 February 2006, the President (United States) made a statement on behalf of the Council,¹¹⁹ by which the Council, inter alia:

¹¹⁷ Ibid., p. 4.

¹¹⁸ Ibid., pp. 6-8.

¹¹⁹ S/PRST/2006/8.

¹¹⁶ S/PV.5325, pp. 2-4.

Welcomed the announcement by the Independent Electoral Commission of Iraq of 10 February of the certified election results for the Iraqi Council of Representatives;

Stressed the importance of inclusiveness, national dialogue and unity as Iraq's political development moved forward; condemned acts of terrorism in Iraq;

Gave special recognition to the Independent Electoral Commission of Iraq for its role in organizing and administering the elections; also commended the Secretary-General and the United Nations for successfully assisting election preparations, and noted in particular the role of UNAMI; also appreciated the assistance given by other international actors;

Underlined the need for continued and enhanced international support from all States and relevant international organizations to assist Iraq's wide-ranging political, economic and social development;

Also looked forward to the continued efforts of the League of Arab States in support of the political process endorsed in Council resolutions 1546 (2004) and 1637 (2005);

Reaffirmed its support for a federal, democratic, pluralist and unified Iraq, in which there was full respect for human rights.

**Decision of 24 May 2006 (5444th meeting):
statement by the President**

At its 5386th meeting, on 15 March 2006, the Council included in its agenda the report of the Secretary-General dated 3 March 2006 on UNAMI.¹²⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and the representative of the United States, on behalf of the multinational force.¹²¹ The representative of Iraq made a statement at the meeting.

In his report, the Secretary-General noted that the election held on 15 December 2005 had been the third major national electoral event in Iraq during the past year. A total of 307 political entities and 19 coalitions encompassing more than 7,500 candidates representing almost all Iraqi communities and political affiliations entered the contest for the 275 seats in the Council of Representatives. Despite security concerns, voter turnout was high throughout the country. A total of 12,191,133 valid votes were cast.¹²²

¹²⁰ S/2006/137, the seventh report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹²¹ The briefing was provided pursuant to resolution 1546 (2004).

¹²² Of the valid votes, 295,377 were cast abroad and 203,856 were cast in 255 special polling centres for

The Special Representative of the Secretary-General noted that Iraq continued to face enormous security, political and reconstruction challenges. In particular, the bombing of the Shia shrine in Samarra on 22 February 2006 and its violent aftermath¹²³ had demonstrated that the political transition in Iraq was increasingly threatened by inter-sectarian violence. Sectarian issues had come to dominate and almost define Iraqi politics and future prospects. He stated that overcoming the sectarian divide was, above all, the responsibility of the Government of Iraq, and warned that failure to take up that responsibility could severely undermine efforts to promote security. He urged all concerned to move swiftly to form a fully inclusive government in spite of recent developments that had made negotiations difficult. The Special Representative reiterated that more determined measures by the Government of Iraq were needed to address the deteriorating human rights situation, particularly with regard to de facto arbitrary detentions, torture and extrajudicial killings. The multinational force and Iraqi security forces had a particular responsibility in that regard. In the absence of such measures, efforts to strengthen national reconciliation and mutual trust might prove elusive.¹²⁴

The representative of the United States stated that insurgents and terrorists remained capable of carrying out attacks to destabilize the legitimately elected Government of Iraq. Although 80 per cent of attacks had been targeted against Coalition forces, the majority of victims were civilians. While December 2005 had seen an increase in attacks in the lead-up to the elections, the number of attacks had decreased from December to January, but risen again in February, owing to the destruction of houses of worship and religious sites. While the number of attacks had dropped, their severity had increased. He reported that 65 per cent of Baghdad was now under the control of

detainees, hospital patients and members of Iraq's security forces. These figures translated into a voter participation rate of over 75 per cent, a significant increase from the voter turnout in the election of January 2005, which amounted to approximately 58 per cent (see S/2006/137, paras. 3-5).

¹²³ The attack on the holy shrine of Imams Ali al-Hadi and Hasan Al-Askari drew condemnation from Iraqi leaders across political and religious communities, as well as from the United Nations, and provoked intercommunal violence and reprisal attacks in Baghdad (see S/2006/137, paras. 19-20).

¹²⁴ S/PV.5386, pp. 2-4.

Iraqi security forces, in addition to other areas. At the same time, the President of the United States had authorized a decrease in the number of United States combat units in Iraq from 17 to 15, a reduction of approximately 7,000 troops. Several coalition partners were taking or planning similar measures.¹²⁵

The representative of Iraq said that there was a sense among the political leadership of Iraq that formation of a national unity Government would help to improve the security climate, as it would allow all various groupings in Iraq to become enfranchised. On the human rights situation, he said his Government was committed to the respect for human rights and the rule of law, even as it acknowledged that there was still room for improvement. However, the Secretary-General's report did not take into account the extent to which the current security situation had contributed to the inability of the Government to implement its human rights agenda. It would have been appropriate for the report to note those steps taken by the Government to improve the human rights situation, such as the presence for the first time in 46 years of a vibrant and robust civil society sector with unfettered access to a variety of governmental agencies, including jails, prisons and courthouses.

The representative warmly welcomed the statement of the Secretary-General in which he had indicated that it was time to lift the barriers, including sanctions, to the full integration of Iraq into the community of nations.¹²⁶

At the 5444th meeting, on 24 May 2006, the President (Congo) made a statement on behalf of the Council,¹²⁷ by which the Council, *inter alia*:

Welcomed the inauguration on 20 May 2006 of Iraq's constitutionally elected Government and congratulated the people of Iraq on this milestone in their country's political transition;

Encouraged the new Government to work tirelessly to promote national reconciliation through dialogue and inclusion and to build an atmosphere in which sectarianism was rejected;

Condemned acts of terrorism in Iraq, including recent horrific attacks on civilians and religious sites aimed callously at provoking intercommunal tensions;

Reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq.

¹²⁵ *Ibid.*, pp. 5-6.

¹²⁶ *Ibid.*, pp. 7-8.

¹²⁷ S/PRST/2006/24.

Deliberations of 15 June 2006 (5463rd meeting)

At its 5463rd meeting, on 15 June 2006, the Council included in its agenda the report of the Secretary-General dated 2 June 2006 on UNAMI.¹²⁸ The President (Denmark) drew the attention of the Council to a letter dated 12 June 2006 from the Secretary-General, concerning the International Advisory and Monitoring Board,¹²⁹ and to a letter dated 9 June 2006 from the representative of Iraq, transmitting a letter from the Minister for Foreign Affairs of Iraq addressed to the President, in which he requested the continued assistance of the international community in providing security and stability in Iraq.¹³⁰ The Council heard briefings by the Assistant Secretary-General and by the representative of the United States, speaking on behalf of the multinational force.¹³¹ The Minister for Foreign Affairs of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that the formation of the first constitutionally elected Government of Iraq, on 20 May 2006, represented the culmination of Iraq's political transition process. However, the protracted nature of the negotiations and the serious deterioration of the security situation following the Samarra bombing in February 2006 indicated that the people of Iraq had arrived at an important turning point. He observed that, unless a strong positive dynamic towards national reconciliation was generated soon, there would be a grave danger of increased polarization, sectarian strife and, potentially, civil war.

The Assistant Secretary-General said that of particular concern was the mounting loss of civilian life as a result of high levels of violence and breakdown in law and order, with intercommunal violence and criminal activities compounding insurgent violence. She emphasized that the new Government must be empowered to heal the social and political divisions through dialogue and confidence-building, strengthen democratic institutions and the rule of law, and improve the living conditions for all Iraqis. She said that a promised review of anti-terror and de-

¹²⁸ S/2006/360, the eighth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹²⁹ S/2006/394.

¹³⁰ S/2006/377.

¹³¹ The briefing was provided pursuant to resolution 1546 (2004).

baathification legislation would help to shape a more conducive environment for national reconciliation. The Government's effectiveness would largely be defined by its ability to inspire the confidence of the Iraqi people, by taking immediate measures to improve security. That would require the new Government, first and foremost, to gradually take full ownership of its national affairs, including in the vital area of security, assisted, as necessary, by the international community.

The Assistant Secretary-General hoped that the new Government of Iraq would make it a priority to set a robust human rights agenda that addressed both past and current human rights violations, and reiterated that the United Nations remained particularly concerned about the large number of detainees held in detention centres without investigation or criminal charges. At the international level, she noted that there was now an opportunity to build a deeper consensus in support of Iraq's transition, including in the Security Council.¹³²

The representative of the United States stated that, on 7 June, the multinational force and Iraqi forces had killed the Al-Qaida terrorist leader Abu Musa al-Zarqawi and one of his key associates, Sheikh Abd al-Rahman. Although the original leader of Al-Qaida in Iraq was now dead, he had been replaced, and the terrorist organization still posed a threat, as its members would continue to attempt to intimidate the Iraqi people and threaten the country's Government as it moved towards greater stability and prosperity.¹³³

The Minister for Foreign Affairs of Iraq stated that the continued cooperation between Iraqi forces and the multinational force remained necessary to provide security in Iraq, and critical to attaining the goal of self-sufficiency in defending his country and securing peace. With the formation of a new, full-term government, and with the recent elimination of the most notorious terrorist, Abu Musab al-Zarqawi, who had been responsible for the bombing of the United

Nations headquarters in Baghdad in August 2003, there was now a sense of great momentum among Iraqis and a chance to turn the situation around. He said that, contrary to media portrayal, there was no civil war in Iraq, but there was an increase in incidents of sectarian violence.

He further stated that the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board were due for review, and his Government proposed to continue the present arrangements according to resolution 1637 (2005). With respect to building international support for regional security and in order to enhance reconstruction plans for Iraq, he stated that the formation of an international contact group, involving the five permanent members of the Council, Iraq's neighbours, the United Nations and the League of Arab States, would be a useful means.¹³⁴

**Decision of 10 August 2006 (5510th meeting):
resolution 1700 (2006)**

At its 5510th meeting, on 10 August 2006,¹³⁵ the Council included in its agenda a letter dated 1 August 2006 from the Secretary-General addressed to the President of the Council.¹³⁶ The President (Ghana) drew the attention of the Council to a letter dated 3 August from the representative of Iraq addressed to the Secretary-General,¹³⁷ and to a draft resolution submitted by the United Kingdom and the United States.¹³⁸ The draft resolution was adopted unanimously by the Council as resolution 1700 (2006), by which the Council, inter alia:

Decided to extend the mandate of UNAMI for another period of 12 months from the date of the resolution;

Requested the Secretary-General to update the Council on a regular basis on the latest developments of the International Compact with Iraq.

¹³² S/PV.5463, pp. 2-5. On 16 June 2006, the Secretary-General accepted the request of the Government of Iraq to provide support for the International Compact with Iraq, which was launched on 27 July 2006. The Compact was an initiative of the Government of Iraq for a new partnership with the international community, its purpose being to achieve a national vision of Iraq with the aim of consolidating peace and pursuing political, social and economical development. The Compact was chaired jointly by the Deputy Prime Minister of Iraq and the Deputy Secretary-General (see S/2006/706, para. 13).

¹³³ S/PV.5463, p. 6.

¹³⁴ Ibid., pp. 8-9.

¹³⁵ At its 5464th meeting, held in private on 15 June 2006, the Council extended invitations to the Minister for Foreign Affairs of Iraq and the Assistant Secretary-General for Political Affairs, with whom Council members had an exchange of views.

¹³⁶ S/2006/601, recommending the extension of the mandate of UNAMI.

¹³⁷ S/2006/609, requesting the extension of the mandate of UNAMI.

¹³⁸ S/2006/692.

**Deliberations of 14 September 2006
(5523rd meeting)**

At its 5523rd meeting, on 14 September 2006, the Council included in its agenda the report of the Secretary-General dated 1 September 2006 on UNAMI.¹³⁹ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and the representative of the United States, speaking on behalf of the multinational force.¹⁴⁰ All Council members and the representative of Iraq made statements at the meeting.

Presenting the report, the Special Representative of the Secretary-General stated that Iraq had become one of the most violent conflict areas in the world. In June the number of Iraqis killed was 3,149; in July the number was 3,438. Numerous attacks and mass kidnappings of civilians revealed a pattern of targeting based on sectarian affiliation, with a clear intent to provoke fear and take vengeance.¹⁴¹

Turning to political developments, he highlighted the International Compact with Iraq as an important vehicle for the international community in helping Iraq become a peaceful and stable country. The key challenge for the Government of Iraq was to develop a truly national agenda that was responsive to the needs and aspirations of all Iraqis. He noted that the Prime Minister had launched the National Reconciliation Plan with a view to addressing the challenges facing his country, and that the Government was also seeking to establish a dialogue with those who had remained outside the political process. He said that the International Compact with Iraq could help the country to become a peaceful, stable and prosperous partner with its neighbours and the wider international community.¹⁴²

The representative of the United States reported that, despite the full formation of a national unity Government in Iraq, violence had increased. He said that the multinational force had continued training and equipping the Iraqi security forces and Iraq police service. Noting that the United Nations contributions in Iraq were “vital”, he urged the Organization to

continue to fulfil its mandate under resolution 1546 (2004). He stressed that the multinational force and its combined efforts with the Iraqi security forces continued to support an environment that would allow Iraq’s democratically elected Government to succeed, and for the Iraqi people to realize a brighter, secure and more prosperous future. He said that a joint committee to achieve Iraqi security self-reliance announced by the Prime Minister of Iraq and the President of the United States on 25 July would develop a conditions-based road map for a full transition of security responsibility to Iraqi forces.¹⁴³

Speakers unanimously expressed deep concern at the severe security situation and human rights violations prevailing in Iraq, and stressed the urgent need to address the situation. Most speakers commended the efforts undertaken by the Government of Iraq towards national reconciliation, and welcomed such actions as the National Reconciliation Plan, which was designed to ensure the unity of Iraq. At the same time, they encouraged the Government of Iraq to bolster its activities to ensure a participatory and inclusive political process, for example through the constitutional review process. Speakers also welcomed the launching of the International Compact with Iraq, expressing the hope that the high-level meeting to be held on 18 September would enable the Government of Iraq to present its plan for national reconstruction.¹⁴⁴

The representative of Iraq highlighted the national reconciliation efforts undertaken through the National Reconciliation Plan, aimed at addressing the most important issues that were preventing the achievement of internal peace in Iraq. In the security field, and parallel to the process of national reconciliation, he reported that the Government had adopted a security plan aimed at securing the capital, Baghdad. The Iraqi forces with the support of the multinational force were responsible for implementing the plan. He reported that the past 30 days had witnessed a decrease in violence and crime in comparison to the two months of June and July 2006. In concluding, he expressed the hope that UNAMI

¹³⁹ S/2006/706, the ninth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁴⁰ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

¹⁴¹ S/2006/706, para. 35.

¹⁴² S/PV.5523, pp. 2-4.

¹⁴³ *Ibid.*, pp. 5-7.

¹⁴⁴ *Ibid.*, p. 8 (Qatar); p. 9 (Ghana); pp. 10-11 (Congo, China); p. 12 (Denmark, France); p. 13 (United Kingdom); p. 14 (Argentina); pp. 15-16 (Slovakia, United Republic of Tanzania); p. 17 (Russian Federation); p. 18 (Peru); p. 19 (Japan); and p. 20 (Greece).

would continue to play a vital role in Iraq's constitutional review and national reconciliation process.¹⁴⁵

Decision of 28 November 2006 (5574th meeting): resolution 1723 (2006)

At the 5574th meeting, on 28 November 2006, the President (Peru) drew the attention of the Council to a draft resolution submitted by Denmark, Japan, Slovakia, the United Kingdom and the United States.¹⁴⁶ He further drew the attention of the Council to a letter dated 14 November from the representative of Iraq,¹⁴⁷ and a letter dated 17 November 2006 from the representative of the United States.¹⁴⁸ The Council unanimously adopted the draft resolution as resolution 1723 (2006), by which it, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of the multinational force as set forth in resolution 1546 (2004) until 31 December 2007;

Decided also to extend until 31 December 2007 the arrangements established in paragraph 20 of resolution 1483 (2003) for the deposit into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board;

Decided further that the provisions above for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board would be reviewed at the request of the Government of Iraq or no later than 15 June 2007;

Requested that the Secretary-General continue to report to the Council on the operations in Iraq of UNAMI on a quarterly basis;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis.

The representatives of the United States, the United Kingdom, the Russian Federation and France made statements after the adoption of the resolution. The representative of the United States emphasized that the multinational force continued to play a vital role in the security and stability of Iraq.¹⁴⁹ The representative of the United Kingdom said that the resolution came with the important assurance that the Government of Iraq might, at any time, seek a review of the arrangements or the termination of the mandate of the multinational force.¹⁵⁰

The representative of the Russian Federation regretted that the resolution did not reflect his country's proposal on the importance of continuing the political process in Iraq, the foundation of which had been laid at conferences in Cairo and Sharm el-Sheikh.¹⁵¹

The representative of France stated that his delegation was pleased to note that the resolution integrated explicitly the prospect of withdrawal of the multinational force that would come under the sovereign decision of Iraq. He hoped that the progress in the national inter-Iraqi dialogue seen in the meetings in Sharm el-Sheikh in November 2004 and Cairo in November 2005 would continue.¹⁵²

Deliberations of 11 December 2006 and 15 March 2007 (5583rd and 5639th meetings)

At its 5583rd meeting, on 11 December 2006, the Council included in its agenda the report of the Secretary-General dated 3 December 2006 on UNAMI.¹⁵³ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and the representative of the United States, speaking on behalf of the Member States contributing to the multinational force.¹⁵⁴ All Council members and the representative of Iraq made statements during the meeting.

¹⁴⁹ S/PV.5574, p. 2.

¹⁵⁰ *Ibid.*, pp. 2-3.

¹⁵¹ *Ibid.*, p. 3.

¹⁵² *Ibid.*, p. 3.

¹⁵³ S/2006/945, the tenth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁵⁴ The briefing was provided pursuant to resolution 1546 (2004).

¹⁴⁵ *Ibid.*, p. 21.

¹⁴⁶ S/2006/919.

¹⁴⁷ S/2006/888, transmitting a letter from the Prime Minister of Iraq, requesting the extension of the mandate of the multinational force in accordance with resolutions 1546 (2004) and 1637 (2005), and the extensions of the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board.

¹⁴⁸ S/2006/899, transmitting a letter from the Secretary of State of the United States of America, confirming the commitment of the multinational force to continue to fulfil its mandate under resolutions 1546 (2004) and 1637 (2005), consistent with the request of the Government of Iraq.

In his report, the Secretary-General noted a dramatic increase in violence in Iraq, including militia activities, causing an estimated 5,000 deaths a month, and warned that the prospect of an all-out civil war in Iraq had become more real.

The Special Representative highlighted, among the observations made by the Secretary-General in the report, that a broader and more inclusive political approach was required, that involved all the main neighbours of Iraq and the permanent members of the Security Council. The report also drew attention to how a constitutional review process could provide a framework for national reconciliation, and the fact that, to date, that opportunity had not been seized as effectively as the United Nations had hoped and advised. Iraq now faced three main challenges. First, it needed to develop a fully inclusive political process and ensure equitable access to power, State institutions and natural resources for all, through a process guided by national interest rather than the interest of particular constituencies. There was a particular need to promote confidence-building measures between communities in potential flashpoint areas, such as Kirkuk. Increased efforts were also needed to review the de-baathification process and to adopt an amnesty law without prejudice to the victims' rights to truth and reparation. Secondly, the Government of Iraq needed to establish its monopoly on the use of force. Thirdly, the Government of Iraq needed to cultivate a regional environment that was supportive of Iraq's transition. The Secretary-General also called for a negotiated settlement to break the cycle of violence that currently threatened to abort any political process.

The Special Representative stated that in his previous briefings to the Council he had repeatedly drawn attention to the fact that the achievements of the political transition process in meeting the benchmarks endorsed by the Council in resolution 1546 (2004) had not translated into an improved security or human rights situation, and that efforts made by the Government of Iraq and the multinational force had not prevented a continuous deterioration of the security situation, nor had other national or regional or international attempts at dialogue. He stated that the violence seemed out of control, and this had provoked widespread concern for the future of Iraq.

The Special Representative stated that vigorous efforts were under way to build up the security forces of Iraq, but that even under the most propitious of

circumstances it would take years to complete that process. Moreover, excessive reliance on the use of force could indeed preclude national compromise. He emphasized that if Iraq were to stand any chance of avoiding a national catastrophe, a collective sense of urgency, resolve and compromise was necessary.¹⁵⁵

The representative of the United States cited some of the progress achieved, including the establishment of a constitutional review committee to explore options for amending the Iraqi constitution and the initiative to conclude the International Compact. She further stated that security remained a grave concern, as the number of attacks had increased by 22 per cent over the current reporting period. The rise in sectarian violence, 80 per cent of which occurred within a 35-mile radius of Baghdad, had become the greatest threat to stability. She emphasized that Iraq's stability and security was a regional issue, as well as an international one, in which Iraq's neighbours had an important role to play.¹⁵⁶

All members expressed alarm over the soaring number of casualties in Iraq, and emphasized the need to continue to work on a national, regional and international level to address the ongoing violence. Some representatives said that the approaches followed to resolve the situation in Iraq had not been efficient,¹⁵⁷ and endorsed the observations and recommendations in the report of the Secretary-General.¹⁵⁸

Speakers also emphasized the importance of the International Compact with Iraq, and expressed interest in the Secretary-General's proposal for an international conference that included all Iraqi protagonists and external actors concerned. Speakers also underlined the significance of enhancing regional dialogue.¹⁵⁹ The representative of the Russian Federation commended the Secretary-General's proposal to establish a regional group on Iraq that would include the five permanent members of the Security Council.¹⁶⁰

¹⁵⁵ S/PV.5583, pp. 2-4.

¹⁵⁶ *Ibid.*, p. 4.

¹⁵⁷ *Ibid.*, p. 8 (Argentina); p. 11 (Russian Federation); and p. 16 (Denmark).

¹⁵⁸ *Ibid.*, p. 6 (France); p. 8 (Argentina); and p. 11 (Russian Federation).

¹⁵⁹ *Ibid.*, p. 7 (France); p. 9 (Greece); p. 10 (United Kingdom); p. 13 (China); p. 15 (Ghana); pp. 16-17 (Denmark); p. 18 (Slovakia); and p. 19 (Congo, Qatar).

¹⁶⁰ *Ibid.*, p. 12.

The representative of Iraq stated that his Government was fully aware of who was carrying out the increased acts of violence, namely the Saddam loyalists, the Takfir extremists and criminal gangs. The Government of Iraq would deal very forcefully and decisively with that challenge. He reiterated that the Government intended to broaden the political process, and recalled that the Prime Minister had recently announced a national conference in order to strengthen national reconciliation. However, he cautioned that such an idea would be unacceptable if its purpose was to circumvent the democratic gains achieved by the Iraqis and take the political process back to square one.

With respect to the human rights situation, he reiterated that the Government of Iraq was serious about addressing human rights, but collateral human rights violations resulting from confrontations with terrorists and criminal gangs could not be put on the same level as the deliberate violations perpetrated by terrorists.

Noting the call for a more active role by UNAMI, the representative of Iraq stressed the need to take into account the deteriorating security situation. He stated that the Mission had to put the security of its personnel above all other considerations. While the Mission would be there to assist the Government, because of the current security situation, the desired numbers were not yet possible.¹⁶¹

At its 5639th meeting, on 15 March 2007, the Council included in its agenda the report of the Secretary-General dated 7 March 2007 on UNAMI.¹⁶² The Special Representative of the Secretary-General for Iraq and the representative of the United States, speaking on behalf of the multinational force, delivered briefings to the Council.¹⁶³ All Council members and the representative of Iraq¹⁶⁴ made statements during the meeting.

In his report, the Secretary-General noted that high levels of violence in Iraq continued to overshadow the political process and reconstruction efforts, and had had an adverse effect on the humanitarian and human rights situation in the country,

as well as resulting in the numbers of internally displaced persons and refugees reaching new heights. As a result of insecurity and curfews, access to health service continued to be difficult, and school attendance was reported to have fallen dramatically, to 50 per cent. The Secretary-General warned that Iraq was experiencing a protection and human rights crisis that had the potential of turning into a full-scale humanitarian emergency if the prevailing climate of fear, impunity and disorder was not addressed in conjunction with efforts to meet basic material needs.

The Special Representative stated that the “ever-present menace” of political, sectarian and criminal violence, deepening the humanitarian and human rights crises, was a major feature of the report. He said that Iraq’s neighbours needed to agree on a shared strategy of support for the reform programme and reconciliation efforts of the Government of Iraq, and that a mechanism to achieve such a regional coordination needed to be considered.¹⁶⁵

The representative of the United States stated that in announcing a new way forward, the President of the United States on 10 January had declared the commitment of an additional 21,500 troops as a contribution to the Iraqi-led effort. He also said that the Government of Iraq had allocated about \$150 million of its 2007 budget for the demobilization, disarmament and reintegration process for militias, which together with continued political progress on national reconciliation and the passage of a de-baathification law were important components in ensuring long-term stability.¹⁶⁶

All Council members expressed grave concern over the persisting violence, high number of casualties, increasing numbers of displaced and the deteriorating humanitarian situation, and urged enhanced national reconciliation efforts, and regional and international cooperation with a view to reducing the levels of violence in Iraq.

The representative of Indonesia reiterated a suggestion made by the President of Indonesia to deploy United Nations peacekeeping forces after a withdrawal of the multinational force.¹⁶⁷ That representative, as well as the representatives of China, the Russian Federation and France, urged that the

¹⁶¹ *Ibid.*, pp. 20-22.

¹⁶² S/2007/126, the eleventh report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁶³ The briefing was provided pursuant to resolution 1546 (2004).

¹⁶⁴ Iraq was represented by the Vice-President of Iraq.

¹⁶⁵ S/PV.5639, pp. 2-4.

¹⁶⁶ *Ibid.*, p. 5.

¹⁶⁷ *Ibid.*, p. 14.

multinational force establish a definite timetable to withdraw from Iraq.¹⁶⁸ The representative of South Africa emphasized that, notwithstanding the events that had led to the current situation in Iraq, the Security Council had a responsibility to ensure that the powers granted to the multinational force were exercised in a manner consistent with the decisions of the Council, and that international law and human rights were upheld and respected by all parties.¹⁶⁹

The Vice-President of Iraq noted that re-establishing security and rebuilding the political structure and economy were his country's two goals in 2007. To that end, the Iraqi authorities had adopted a security plan for Baghdad called "Operation imposing law", launched a national reconciliation process, and adopted a budget that would allocate \$10 billion to investment. He further noted that while his Government did not want to be overly optimistic, "Operation imposing law" had shown some positive results in the marked reduction in the number of terrorist actions and casualties.¹⁷⁰

Decision of 23 May 2007 (5681st meeting): letter from the President to the Secretary-General

At the 5681st meeting, on 23 May 2007, the President (United States) drew the attention of the Council to a letter dated 7 May 2007 from the Secretary-General addressed to the President of the Security Council concerning the escrow account established under resolution 1284 (1999) and related resolutions.¹⁷¹ The President presented the draft of a letter to be sent to the Secretary-General in response, approving his proposal that €1,856,754 and \$694,771 be transferred from the aforementioned escrow account to settle the arrears of the Government of Iraq to the United Nations Industrial Development Organization and to meet its current obligation with respect to contributions to other United Nations activities. The Council decided to send the proposed letter.¹⁷²

Deliberations of 13 June 2007 (5693rd meeting)

At its 5693rd meeting, on 13 June 2007, the Council included in its agenda the report of the

Secretary-General dated 5 June 2007 on UNAMI.¹⁷³ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and the representative of the United States speaking on behalf of the multinational force.¹⁷⁴ All members and the representative of Iraq made statements during the meeting.

The Secretary-General in his report noted that despite the initial success of stepped-up security measures in recent months, the situation in Iraq remained precarious. Insurgent attacks persisted and civilian casualties continued to mount as it appeared that militia forces were resuming their activities, including targeted killings and kidnappings. The threat that the violence posed to the political process was illustrated by the bombing in the Iraqi Parliament on 12 April that resulted in the death of one lawmaker and injured several others. Political tensions increased over the implementation of article 140 of the Constitution, which detailed the process leading to the determination of the final status of Kirkuk and other disputed territories, as well as over the draft hydrocarbon law, the constitutional review process and a new de-baathification law. The Secretary-General also reported that on 3 May the International Compact with Iraq was launched in Sharm el-Sheikh, Egypt. The conference was co-chaired by the Prime Minister of Iraq and himself, and was attended by 75 delegations.

The Special Representative stated that Iraq was faced with an exceptional complex series of overlapping sectarian, political and ethnic conflicts that were beyond the capacity of any one actor or policy to resolve. While contentious issues had been discussed in several forums, the impact of bitter memories, fresh grievances, perceived discrimination, entrenched identity politics and, above all, the horrific and unending killings, had made constructive discussion leading to lasting reconciliation difficult.¹⁷⁵

The representative of the United States noted that there had been signs of a significant shift in the distribution of the violence. While high-profile terrorist attacks and attacks against coalition forces were still frequent, sectarian murders and attacks against

¹⁶⁸ Ibid., p. 13 (Russian Federation); p. 17 (France); and p. 19 (China).

¹⁶⁹ Ibid., p. 20.

¹⁷⁰ Ibid., p. 7.

¹⁷¹ S/2007/300.

¹⁷² S/2007/301.

¹⁷³ S/2007/330, the twelfth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁷⁴ The briefing was provided pursuant to resolution 1546 (2004).

¹⁷⁵ S/PV.5693, p. 3.

civilians in Baghdad had decreased from levels seen previously. He noted that Iraqi security forces were recruiting in greater numbers in the Governorate of Al-Anbar, demonstrating the determination of the people there to participate in the fight against insurgents and Al-Qaida. He looked forward to the upcoming discussion on how to revise the mandate of UNAMI so as to encourage a robust presence to assist Iraq.¹⁷⁶

The Minister for Foreign Affairs of Iraq stated that while Iraqis would always be grateful for their liberation from an “absolute despot”, no Iraqi Government official — or citizen — wanted the presence of foreign troops on Iraqi soil one day longer than was vitally necessary. However today, and for the foreseeable future, the presence of multinational force troops was vitally necessary to safeguard Iraqi and regional security and stability. He noted that tribal chiefs and ordinary citizens in the Al-Anbar and Diyala provinces, provinces which for too long had been a haven for Al-Qaida terrorists, had shown signs of taking up arms and standing up against Al-Qaida. He also said that, as a cornerstone of the reconciliation process, work was being done to reverse “overly aggressive” de-baathification, as past practices, commencing in 2003, had failed to differentiate between criminals and non-criminals, and failed to distinguish between those who were ideological members of the party and those who had joined it simply to be able to support their families.¹⁷⁷

All Council members expressed deep concern over the ongoing violence in Iraq, and in particular condemned the bombing targeting the holy shrine in Samarra, which had happened the same day. Many welcomed the International Compact with Iraq as an international framework for building stability and enhancing development and reconstruction in Iraq. Furthermore, they encouraged continued work towards a national reconciliation process in Iraq, including constitutional review, revision of the de-baathification legislation, promotion of human rights and reintegration of militias into the regular armed forces. Council members also welcomed the possibility of expanding the role of the United Nations in Iraq.

¹⁷⁶ Ibid., pp. 5-6.

¹⁷⁷ Ibid., pp. 7-9.

**Decision of 29 June 2007 (5710th meeting):
resolution 1762 (2007)**

At the 5710th meeting, on 29 June 2007, the President (Belgium) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹⁷⁸ The Council heard briefings by the Acting Executive Chairman of UNMOVIC and the representative of the Director General of the IAEA office at United Nations Headquarters in New York. The representatives of China, France, Indonesia, Qatar, South Africa, the United Kingdom, the United States and the Russian Federation, and the representative of Iraq made statements during the meeting.

The Acting Executive Chairman of UNMOVIC cautioned that in the light of the present security environment of Iraq the possibility should not be discounted that non-State actors might seek to acquire and utilize toxic agents or chemical precursors in small quantities, and the possibility of non-State actors getting their hands on other, more toxic, agents was real. He recalled that, after extensive inspections early in 2003, UNMOVIC had not found evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items from before the adoption of resolution 687 (1991), but it had identified capabilities that might still remain in Iraq, including scientists, technicians and dual-use equipment. He stressed that under the present circumstances the remaining outstanding issues could not be resolved and therefore contributed to a “residue of uncertainty”. Had Iraq already acceded to the Chemical Weapons Convention, the uncertainty with regard to its chemical weapons programme would have been reduced. It was, of course, up to the Council, exercising its judgement, to determine whether it would accept that “residue of uncertainty” when taking the decision to close the file on Iraq disarmament.¹⁷⁹

The representative of IAEA recalled his report of 7 March 2003, in which he had informed the Council that IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq. Since 17 March 2003, however, the Agency had not been able to carry out most of its activities in the country.¹⁸⁰

¹⁷⁸ S/2007/390.

¹⁷⁹ S/PV.5710, pp. 2-5.

¹⁸⁰ Ibid., p. 7.

The representative of the United States noted that the Iraq Survey Group had taken all possible steps to investigate all credible reports of weapons of mass destruction in Iraq and had demonstrated that the current Government of Iraq did not possess any such weapons or delivery systems. He also noted that, since 2003, the Survey Group associated with the multinational force had demonstrated that no significant stockpile of weapons of mass destruction existed in Iraq. The multinational force, however, continued to find residual materials, which it disposed of in cooperation with the Government. It had also found evidence of the capacity of the Saddam Hussein regime to produce long-range missiles and biological weapons. He stated that in summary, with the findings of the Iraq Survey Group and the “aggressive corrective actions” taken by the current Government of Iraq, there was no longer any reason to believe that significant quantities of Saddam-era weapons of mass destruction remained undiscovered in Iraq and, perhaps most importantly, Iraq was no longer a country that had any political intent or military plan to utilize such weapons.¹⁸¹

The representative of the United Kingdom welcomed the commitment made by the Government of Iraq to respect and apply existing international commitments and obligations to the non-proliferation of nuclear, chemical and biological weapons. He also welcomed the Government of Iraq’s full constitutional commitment to taking disarmament forward, and the establishment of a National Monitoring Directorate to oversee and control the movement of dual-use items.¹⁸²

The representative of France noted that while not all issues had been resolved there was only a low level of uncertainty. He stressed the need to ensure that the new Government of Iraq was prepared to take over the relevant mandate of the United Nations inspections monitoring bodies, with a view to ensuring that non-proliferation efforts moved forward. He underlined the need to strengthen regional security and ensure compliance with international non-proliferation obligations.¹⁸³

The representative of Iraq said that the termination of the UNMOVIC and IAEA mandates marked the end of an “appalling chapter” in the history of Iraq. The Iraqi people had paid a very heavy price

during that period of time due to the regime’s possession of weapons of mass destruction and its refusal to cooperate with the relevant international bodies responsible for their elimination. He said that, in addition to reiterating its commitment to non-proliferation obligations mentioned in the letter dated 8 April from the Minister for Foreign Affairs of Iraq, annexed to the draft resolution before the Council, a draft law on Iraq’s accession to the Chemical Weapons Convention was currently before the Parliament. He stated that Iraq considered the Council’s adoption of the draft resolution as a reaffirmation that all prohibitions related to trade with Iraq and provisions of financial or economic resources to Iraq established by the relevant resolutions — in particular resolutions 661 (1990) and 687 (1999) — were no longer to apply.¹⁸⁴

The representative of South Africa, echoed by the representative of China, recalled that the efforts of the Security Council to disarm Iraq had a regional dimension, and that the Council was bound by its resolutions to create a Middle East free of weapons of mass destruction.¹⁸⁵

The draft resolution was then put to a vote, and was adopted by 14 votes, with 1 abstention (Russian Federation), as resolution 1762 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to terminate immediately the mandates of UNMOVIC and IAEA under the relevant resolutions;

Reaffirmed Iraq’s disarmament obligations under relevant resolutions, acknowledged Iraq’s constitutional commitment to the non-proliferation, non-development, non-production and non-use of nuclear, chemical and biological weapons and associated equipment, material and technologies;

Invited the Government of Iraq to report to the Security Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties and related international agreements;

Took note of the summary briefings provided by UNMOVIC/the United Nations Special Commission and IAEA on their respective activities in Iraq since 1991;

Requested the Secretary-General to take all necessary measures to provide for the appropriate disposition of the archives and other property of UNMOVIC;

¹⁸¹ *Ibid.*, pp. 7-9.

¹⁸² *Ibid.*, p. 9.

¹⁸³ *Ibid.*, pp. 10-11.

¹⁸⁴ *Ibid.*, pp. 11-12.

¹⁸⁵ *Ibid.*, pp. 12-13 (South Africa); and p. 15 (China).

Also requested the Secretary-General to transfer to the Government of Iraq through the Development Fund for Iraq all remaining unencumbered funds in the account established pursuant to paragraph 8 (e) of resolution 986 (1995), after returning to Member States, at their request, contributions made by them pursuant to paragraph 4 of resolution 699 (1991).

The representative of the Russian Federation explained that he had abstained from voting because there was no provision for certification by UNMOVIC regarding the closing of the Iraq disarmament file and questions remained about the fate of existing weapons in Iraq, including missiles that had not been destroyed. There had also been no clear answers regarding the presence of weapons of mass destruction. Those concerns had not been fully reflected in the text of the resolution.¹⁸⁶

**Decision of 10 August 2007 (5729th meeting):
resolution 1770 (2007)**

At the 5729th meeting, on 10 August 2007, the President (Congo) drew the attention of the Council to a draft resolution submitted by Italy, Panama, Slovakia, the United Kingdom and the United States.¹⁸⁷ The Secretary-General was present at the meeting. The draft resolution was put to a vote, and adopted unanimously as resolution 1770 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMI for another period of 12 months from the date of the resolution;

Decided also that the Special Representative of the Secretary-General and UNAMI, at the request of the Government of Iraq, should advise, support and assist the Government and people of Iraq on advancing their political dialogue and national reconciliation; and promote, support and facilitate the coordination of humanitarian assistance, donor coordination, and capacity-building; and promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq;

Requested the Secretary-General to report to the Council within three months and on a quarterly basis thereafter on the progress made towards the fulfilment of all the responsibilities of UNAMI.

After the adoption of the draft resolution, statements were made by the Secretary-General, the representatives of China, France, Indonesia, Italy, Qatar, the Russian Federation, the United Kingdom and the United States, as well as by the representative of Iraq.

¹⁸⁶ *Ibid.*, p. 14.

The Secretary-General welcomed the Council's decision to renew and strengthen the mandate of UNAMI, and stated that the United Nations would be increasing its role and looked forward to working in "close partnership" with the Government and people of Iraq to enhance assistance in crucial areas such as national reconciliation, regional dialogue, humanitarian assistance and human rights.¹⁸⁸

Most speakers expressed concern over the security situation in Iraq and welcomed the broadened mandate of UNAMI provided by resolution 1770 (2007).

The representative of the United States noted that the resolution marked an important new phase in the role of UNAMI in Iraq, and expanded United Nations involvement in Iraq by providing assistance and expertise to the Iraqi people and Government on domestic reconciliation, by promoting regional understanding in support of reconciliation, and by marshalling resources to help Iraqis affected by the humanitarian crisis. He said that the resolution underlined a widespread belief that what happened in Iraq had strategic implications not only for the region but for the entire world.¹⁸⁹

The representative of the United Kingdom underlined that the Council, having the specific task of maintenance of international peace and security, could not shirk its responsibilities, even though its tasks were difficult. Moreover, adopting resolutions and statements was not enough, it was also necessary to work for implementation on the ground and for real impact on people's lives through delivering security and peace. He also stressed that that required parallel progress on the political and economic tracks.¹⁹⁰

The representative of France highlighted the responsibility of the Government of Iraq to protect affected populations, as well as the United Nations and associated personnel.¹⁹¹ The representative of Qatar stressed the need to implement resolution 1770 (2007) in close cooperation with Iraq and without undermining the mandate of the Coalition forces in Iraq, which had the responsibility to ensure peace and

¹⁸⁷ S/2007/487.

¹⁸⁸ S/PV.5729, pp. 2-3.

¹⁸⁹ *Ibid.*, p. 3.

¹⁹⁰ *Ibid.*, pp. 4-5.

¹⁹¹ *Ibid.*, p. 7.

stability, in accordance with international law, including the Fourth Geneva Convention.¹⁹²

While welcoming resolution 1770 (2007), the representative of Iraq stated that his country was trying to overcome the many obstacles it faced. With regard to regional stability, he believed that its neighbours and the international community had obligations in terms of assisting Iraq to combat terrorism, establish security and stability, carry out reconstruction and cope with humanitarian challenges. While Iraq acknowledged that those were national responsibilities, he emphasized that his Government required the assistance of the international community, as represented by UNAMI. Iraq therefore encouraged UNAMI to play an active role in helping to build a prosperous and stable State living at peace with itself and the world.¹⁹³

Deliberations of 19 October 2007 (5763rd meeting)

At its 5763rd meeting, on 19 October 2007, the Council included in its agenda the report of the Secretary-General dated 15 October on UNAMI.¹⁹⁴ The Council heard briefings by the Under-Secretary-General for Political Affairs and the representative of the United States, speaking on behalf of the multinational force.¹⁹⁵ All Council members, as well as the representative of Iraq, made statements during the meeting.

In his report the Secretary-General noted that against a backdrop of daily attacks, continued high levels of displacement and political gridlock, there had been some positive signs during the month of September, as the level of Iraqi casualties had decreased significantly. The Prime Minister had consolidated a four-way alliance with the major Shiite and Kurdish parties in Parliament and discussions continued on legislation that was central to the process of national reconciliation. The Secretary-General further noted that the status-of-mission agreement between the United Nations and the Government of Iraq had been signed in June 2005. Article XII of that agreement stipulated that it would enter into force on the date of exchange of

notes between the parties confirming the approval of the agreement by their respective competent authorities. Although the United Nations had submitted its note in 2005, the Government of Iraq had not yet completed the ratification process and had not delivered the note.

The Under-Secretary-General stated that September had witnessed the lowest number of Iraqi casualties that year. A ceasefire declared by one militia, the pact reached by two other groups, and the efforts of the multinational force and the Iraqi security forces all appeared to have contributed to that effect. Those events, he said, represented a political opportunity to transform military-political developments into a basis for achieving broad national reconciliation.

The Under-Secretary-General noted that resolution 1770 (2007) envisaged a strengthened United Nations role in assisting the Government of Iraq in promoting the constructive engagement of regional countries. The high-level meeting co-hosted by the Secretary-General and the Prime Minister of Iraq on 22 September, as well as the regional dialogue initiated at Sharm el-Sheikh, were encouraging developments.

He stressed the importance, first, of affording the United Nations the necessary political and humanitarian space to implement the new mandate, and second, of protecting and respecting the ability of the Organization to talk with all sides. Noting the new mandate, he urged Member States to provide additional financial and logistical resources for the Mission. Of immediate concern was the status of the trust fund established to support the distinct entity that provided protection for the United Nations in accordance with resolution 1546 (2004) and was required at least until 2008. However, the trust fund would be exhausted the following month, and without immediate financial assistance the ability of the United Nations to operate in Iraq could be severely compromised.¹⁹⁶

The representative of the United States reported that security gains in the provinces of Al-Anbar and Diyala had enabled provincial councils to hold regular meetings, which had in turn led to progress in restoring services, developing the economy and executing provincial budgets. He emphasized that after Iraqis had started mobilizing to evict Al-Qaida and extremist forces from their communities, Al-Anbar and parts of

¹⁹² *Ibid.*, p. 7.

¹⁹³ *Ibid.*, pp. 8-9.

¹⁹⁴ S/2007/608, the first report submitted pursuant to paragraph 6 of resolution 1770 (2007).

¹⁹⁵ Pursuant to resolutions 1546 (2004), 1637 (2005) and 1723 (2006).

¹⁹⁶ S/PV.5763, pp. 2-4.

Ninewa and Diyala had seen extraordinary security progress in the past seven months. He said that the Government of Iraq had placed some 21,000 Anbaris on police rolls. He emphasized that international and regional engagement for Iraq was improving and, with the adoption of resolution 1770 (2007), the International Compact with Iraq was also moving forward. He stated that, unfortunately, while claiming to support Iraq, the Islamic Republic of Iran had provided lethal aid to both radical Shia and Sunni militants inside Iraq. The Syrian Arab Republic continued to provide a safe haven for elements of the former regime, who now served as key financiers and leaders of the insurgency.

With respect to the security situation, he stated that the 2007 surge had given besieged communities the confidence to work with the multinational force to defeat Al-Qaida and violent extremists. The overall number of security incidents and civilian deaths had declined in 2007, although they were still at unacceptable levels. Iraqi security forces continued to grow, amid continuing concerns about the sectarian tendencies of some elements in their ranks. The multinational force had employed counterinsurgency practices that underlined importance of units living among the people they were securing, and accordingly dozens of security stations manned by the multinational force and Iraqi forces had been established in Baghdad and across Iraq.¹⁹⁷

Most speakers expressed grave concern over the humanitarian, human rights and displacement situations in the country. Many speakers strongly supported an expanded role for the United Nations in Iraq and welcomed recent initiatives for the constructive engagement of neighbouring countries and other States in the region. Some representatives highlighted the urgent need for accountability for personnel of private security companies, in view of recent incidents of civilian casualties during armed operations including such actors.¹⁹⁸ The representative of the Russian Federation emphasized the need to resolve sensitive political issues pertaining to the future of Kirkuk and tensions on the Iraq-Turkey border, and reiterated that there needed to be a time schedule for the withdrawal of the multinational force from Iraq; he also underlined the right of the United Nations to freely interact with all relevant actors in Iraq.¹⁹⁹ The representative of Italy

emphasized that the United Nations was uniquely suited to identify gray areas that could accommodate all the legitimate concerns of the participants in the political process, and that it was up to “all of us to empower it to do so”.²⁰⁰

The representative of Iraq outlined some of the positive developments with respect to main challenges facing the Government of Iraq; levels of terrorist activities had been reduced, and plans for reconstruction and investment had been reinforced. A newly completed accountability and justice bill had been presented to the Council of Representatives as a substitute for the de-baathification laws. Tens of thousands of officials of the former Government had returned to their former positions regardless of their political affiliation. The Government of Iraq had also worked hard to create suitable conditions for the return of refugees and internally displaced persons. With respect to human rights, the representative was pleased to see positive signals in the report of the Secretary-General on the cooperation with Iraqi authorities, and hoped that the upcoming visit of the Special Rapporteur of the Human Rights Council on torture and other inhuman and degrading treatment or punishment would achieve positive results in reinforcing the protection of human rights in Iraq. He reiterated that Iraq was still suffering from the heavy burden of compensating for the invasion of Kuwait by the Saddam regime, and drew attention to previous requests made by the Government of Iraq to suspend or reduce payments that Iraq could maintain in its current situation.²⁰¹

**Decision of 18 December 2007 (5808th meeting):
resolution 1790 (2007)**

At the 5808th meeting, on 18 December 2007, the President (Italy) drew the attention of the Council to a draft resolution submitted by Slovakia, the United Kingdom and the United States.²⁰² The representatives of Iraq, the Russian Federation, the United Kingdom and the United States made statements during the meeting. The Council heard a briefing by the Assistant Secretary-General, Controller, as the representative of the Secretary-General on the International Advisory and Monitoring Board.

²⁰⁰ Ibid., p. 12.

²⁰¹ Ibid., pp. 20-21.

²⁰² S/2007/738.

¹⁹⁷ Ibid., pp. 4-5.

¹⁹⁸ Ibid., p. 6 (Qatar); p. 8 (Peru); and p. 25 (South Africa).

¹⁹⁹ Ibid., p. 7.

The Assistant Secretary-General recalled that the International Advisory and Monitoring Board, as the audit oversight body of the Development Fund for Iraq, had been established to fulfil the mandate set out in resolution 1483 (2003), and subsequently extended under resolutions 1546 (2004), 1637 (2005) and 1723 (2006). The Development Fund had also been established pursuant to resolution 1483 (2003) and held the proceeds of petroleum export sales from Iraq, as well as the transferred balances from the United Nations oil-for-food programme and other frozen Iraqi assets. The Board helped to ensure that the Fund was used in a transparent manner for the benefit of the people in Iraq, and that export sales of petroleum, petroleum products and natural gas from Iraq were made consistent with prevailing international market best practices.

The Assistant Secretary-General highlighted major findings in terms of control weaknesses related to oil revenues. They included the absence of a metering system for oil at oil fields, storage facilities and refineries, the use of barter transactions, inadequate controls over expenditures, unaccounted oil resources in the Fund which were smuggled, as well as contractual practices including exceptions from normal procurement practices. He also stated that the Council of Ministers of Iraq had established a Committee of Financial Experts to prepare for the time when the functions of the Board would need to be undertaken by the Government of Iraq. The Committee had worked alongside the Board to oversee the interim audit in 2007.²⁰³

Recalling that while the Fund and the Board had not been established by the Council, but worked, *inter alia*, to facilitate the implementation of Council resolutions, the representative of the Russian Federation expressed regret that the Council had not received reports on this matter since June 2006. He expressed his delegation's strong support for a briefing by the Fund in Washington, and urged the Assistant Secretary-General to take the necessary steps to organize such a briefing.²⁰⁴

The Council then proceeded to vote on the draft resolution; it was adopted unanimously as resolution 1790 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

²⁰³ S/PV.5808, pp. 2-3.

²⁰⁴ *Ibid.*, p. 4.

Noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq, and reaffirmed the authorization for the multinational force and decided to extend its mandate;

Decided that the mandate of the multinational force should be reviewed at the request of the Government of Iraq or no later than 15 June 2008, and declared that it would terminate the mandate earlier if requested by the Government of Iraq;

Decided that the provisions of the resolution for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) should be reviewed at the request of the Government of Iraq or no later than 15 June 2008;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis.

Annexed to the resolution were a letter dated 7 December 2007 from the Prime Minister of Iraq and a letter dated 10 December 2007 from the Secretary of State of the United States, both addressed to the President of the Security Council.

The representative of the United States welcomed the Council's decision to unanimously support the Government of Iraq's request to sustain the current momentum and renew the mandate of the multinational force. He held that the vote reflected the recognition by the international community of the importance of support for Iraqi efforts to establish a stable and peaceful democracy. Calling on the Iraqi leaders to make progress on national reconciliation, he reiterated the United States commitment to assisting the Government of Iraq in achieving the objectives that it had set out for itself.²⁰⁵

The representative of the United Kingdom stressed that resolution 1790 (2007) came with the assurance that the Government of Iraq could at any time seek a review or termination of the mandate. He informed the Council that the security responsibility for Basrah, the last of provinces previously controlled by the United Kingdom, had been transferred to Iraqi control. He noted that his Government's forces would continue to operate in an overwatch capacity, providing training, mentoring and advice into the future, retaining the capability to intervene in support of the Iraqi security forces, if required.²⁰⁶

²⁰⁵ *Ibid.*, p. 4.

²⁰⁶ *Ibid.*, p. 5.

The representative of Iraq emphasized the positive developments that his country had undergone in the past few months, including the establishment of a permanent, democratic constitution, legal institutions and a national unity government comprising all political parties. He reported that his Government continued its efforts to achieve national reconciliation, expanded political participation, respect for human rights and sustainable economic growth, including through implementation of the International Compact with Iraq. While reaffirming the importance of the role of the multinational force, alongside Iraqi national forces, in contributing to the efforts to establish security and the rule of law, he requested that the Security Council should consider extending the mandate of the multinational force in the light of Iraq's achievements over the past few years, namely the strengthened capacity of its army and security forces and significant successes in the security, political and economic spheres. That progress called for a review of the role and authority of the multinational force in order to strike a balance between the need to extend the mandate of the force one last time and the progress made by Iraq in the area of security.

He also said that it was essential for the Government of Iraq to be treated as that of an

independent and fully sovereign State. He stated that his Government welcomed resolution 1790 (2007) on the understanding that the functions of recruiting, training and equipping the Iraqi army and security forces were the responsibility of the Government of Iraq.

He further stated that the Government of Iraq welcomed resolution 1790 (2007) on the understanding that this was the final extension of the mandate of the multinational force, and it expected that, in future, the Council would be able to deal with the situation in Iraq without the need to act under Chapter VII of the Charter of the United Nations.

Stressing the importance of development programmes and reconstruction, the representative of Iraq held that his country should release itself from the legacy of the former regime and be liberated from the financial burdens associated therewith. In that regard, he urged the Council to review its resolutions²⁰⁷ on the Compensation Fund for Kuwait with a view to reducing the current rate of 5 per cent of the Iraqi proceeds from oil to be deposited into the Fund.²⁰⁸

²⁰⁷ See also the letter dated 7 December 2007 from the

Prime Minister of Iraq (resolution 1790 (2007), annex I).

²⁰⁸ S/PV.5808, pp. 5-7.

Thematic issues

36. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991¹

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 1994¹

¹ For the technical and procedural decisions taken under the items relating to the International Tribunals for the Former Yugoslavia and Rwanda, including the appointment of the Prosecutors, the election of judges and the extension of the terms of office of permanent and ad litem judges, see chap. V, part I, sect. D.

**Decision of 26 March 2004 (4935th meeting):
resolution 1534 (2004)**

At the 4935th meeting, on 26 March 2004, the President (France) drew the attention of the Security Council to a draft resolution;² it was adopted unanimously as resolution 1534 (2004), by which the Council, *inter alia*:

Reaffirmed the necessity of trial of persons indicted by the International Tribunal for the Former Yugoslavia, reiterated its call upon all States, especially Serbia and Montenegro, Croatia and Bosnia and Herzegovina, and on the Republika Srpska within Bosnia and Herzegovina, to intensify cooperation with and render all necessary assistance to the Tribunal, particularly to bring Radovan Karadžić and Ratko Mladić, as well as Ante Gotovina and all other indictees, to the Tribunal and called upon all at-large indictees of the Tribunal to surrender to it;

Requested each Tribunal to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor of the progress made towards implementation of the completion strategy of the Tribunal;

Declared its determination to review the situation, and, in the light of the assessments received, to ensure that the time frames set out in the completion strategies and endorsed in resolution 1503 (2003) can be met.

Deliberations of 29 June 2004 (4999th meeting)

At its 4999th meeting, on 29 June 2004, the Council included in its agenda a letter dated 21 May 2004 from the President of the International Tribunal for the Former Yugoslavia³ and letter dated 30 April 2004 from the President of the International Criminal Tribunal for Rwanda,⁴ which in accordance with resolution 1534 (2004) detailed the Tribunals' progress towards implementation of their completion strategies, including what measures had been taken to implement the strategies and what measures remained.

At the meeting, all Council members made statements, in addition to the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia and Montenegro. The Council also heard statements by the President and Prosecutor of each Tribunal.

In his briefing, the President of the International Tribunal for the Former Yugoslavia noted that in cases involving 59 defendants, the Tribunal had either completed trials, was holding trials or, in the case of

guilty pleas, holding sentencing proceedings. Another 33 accused individuals in 17 cases were awaiting trial. He stated that to help ensure that the completion strategy deadlines were met, the Tribunal had taken additional steps, including amending the Tribunal's Rules of Procedure and Evidence to, *inter alia*, allow referral of intermediate and lower rank accused to "adequately prepared" national jurisdictions. This rule was also no longer limited to States in which the accused was arrested or on whose territory the alleged crime had been committed, but could also be other States having jurisdiction, and which were willing and able to accept such cases. He stressed that those referrals would take place only if the Tribunal was assured that the conduct of trials, detention facilities and treatment of detainees met with applicable international standards. While the Tribunal was committed to supporting the achievement of credible war crimes trials in all States of the former Yugoslavia, neither Croatia nor Serbia and Montenegro currently satisfied such criteria. The Tribunal could try all accused individuals currently in its custody before the end of 2008, and capacity could be increased if some of those entered guilty pleas or were transferred to national jurisdictions. With respect to measures required to maintain and improve the Tribunal's productivity, the President of the Tribunal stressed that staffing, election of judges and cooperation of Member States deserved special attention.

He further explained that the arrears in Member States' contributions had led to a "recruitment freeze" in May 2004, and could lead to the Tribunal being forced to delay, suspend or stop trials. He therefore appealed to those in arrears to make immediate payment of their assessments. He cautioned that if some of the Tribunal's permanent judges were not re-elected to a new mandate beginning 17 November 2005, disruption of the Tribunal's work would be unavoidable. The Secretary-General had accepted his suggestion that judicial elections be held in November 2004 rather than March 2005 as previously scheduled. This would enable the assignment of longer trials to newly elected judges and help avoid disruption of cases. Ad litem judges were another concern that required attention, since their mandate would expire on 11 June 2005 and they could not be re-elected under the present statute. With respect to the need for improved cooperation by Member States, the failure of the States of the former Yugoslavia to arrest and transfer Radovan

² S/2004/232.

³ S/2004/420.

⁴ S/2004/341.

Karadžić, Ratko Mladić and Ante Gotovina was a major impediment to the Tribunal's work.⁵

The President of the International Criminal Tribunal for Rwanda stated that the Tribunal was on schedule, noting that by the end of 2004 the number of persons whose trials had been completed or were in progress would have reached 48, as projected in the completion strategy. The most important development had been the increase in the number of ad litem judges that could sit at any one time from four to nine, and that had significantly increased the Tribunal's efficiency and flexibility. He noted that the main challenge facing the Tribunal was to ensure progress in the five multi-accused cases involving a total of 22 accused. He stressed that the deadline set by resolution 1503 (2003) would be respected, provided the Tribunal had the necessary resources. The fact that some States had not paid their contributions could threaten the completion strategy and the present freeze in recruitment might have serious consequences for all branches of the Tribunal, he cautioned. He invited the Security Council's informal working group on Tribunals to pay a visit to Arusha "in order to get the full picture of what we are achieving there".⁶

The Prosecutor of the International Tribunal for the Former Yugoslavia highlighted her Office's commitment to the deadlines. She noted that the Tribunal would continue to streamline its trials and appeals, and that a number of measures had already been taken to improve the efficiency of the prosecution. She stressed that the transfer of mid- and low-level cases to domestic jurisdictions would free court resources for senior accused leaders, but efforts had yet to be invested in establishing domestic jurisdictions capable of trying war criminals. Among key challenges to ensuring that the Tribunal's mandate was properly and successfully achieved, there were many exigencies beyond its control and which required the participation and cooperation of States, including in the arrest of fugitives, the appearance of witnesses, provision of resources to address the Tribunal's critical financial situation, and the emergence of crucial evidence. She stressed, *inter alia*, that the failure of the Republika Srpska in Bosnia and Herzegovina and Serbia and Montenegro to arrest or obtain the surrender of 20 indicted persons prevented the Tribunal from joining cases that could be tried

together. Highlighting the Tribunals' dire budgetary and financial situation, she stated that her Office had been badly hit by the deferred consideration of the 2005 budget for investigative support for trials and appeals. Regarding cooperation, she said that beyond the arrest of indicted criminals, States had the obligation to grant access to witnesses and documents. While the Croatian authorities had been fully cooperative, Serbia and Montenegro had become a safe haven for fugitives. She also deplored that Karadžić and Mladić had been at large for almost 10 years. In closing, she urged Council members to continue their support for the Tribunal and to ensure that it was given the means necessary to fulfil its full potential.⁷

The Prosecutor of the International Criminal Tribunal for Rwanda stressed that the number of accused who remained to be prosecuted at Arusha by 2008 was greater than the number of those whose cases had been concluded in the period from the Tribunal's inception to date. Meeting that challenge required new strategies, and ways had been sought to streamline the processes, eliminate duplication, and improve coordination, focus and efficiency in prosecutions. Noting that the transfer of cases was an important component of the completion strategy, he stated that a draft agreement on the transfer of cases was being prepared as a basis for negotiations with interested countries, including Rwanda. The Prosecutor stressed that the discharge of the Tribunal's mandate depended to a large extent on the level of international cooperation it received to have in place a full complement of prosecuting staff with adequate budgetary support. He noted that the state and level of cooperation with Rwanda continued to be satisfactory. In closing, he further stressed that the Tribunal continued to require assistance in respect of the tracking and apprehension of suspects and accused persons, in the acceptance by States of cases for prosecution within their national jurisdictions, and in the relocation and protection of witnesses. Above all the Tribunal required support in the provision by States of resources, both human and material, which were necessary for the Tribunal to finish its task properly and on time.⁸

In their reactions to the briefings and assessments of the two Tribunals, speakers were pleased to note that the authorities of the two Tribunals were making every effort to complete their work within the time frames set

⁵ S/PV.4999, pp. 4-10.

⁶ *Ibid.*, pp. 10-13.

⁷ *Ibid.*, pp. 13-16.

⁸ *Ibid.*, pp. 16-21.

out under resolutions 1503 (2003) and 1534 (2004). Delegations stressed that the exit strategy of resolution 1503 (2003) could be successful only if the international community was fully mobilized and worked to take specific steps to achieve that goal. Speakers expressed concern about factors that could jeopardize the Council's time frames for completion of the proceedings by 2010. Among the different obstacles before the Tribunals, speakers highlighted, *inter alia*, the lack of resources resulting from Member States' non-payment of their contributions and the need for Member States' full cooperation with the Tribunals in bringing accused individuals to account.

The representative of France, supported by several speakers, opined that to avoid impeding the completion strategies the Tribunals would need the full cooperation of all States, particularly Rwanda and the States of the former Yugoslavia.⁹ He further stated that the arrest and transfer of accused individuals to The Hague or Arusha, access to witnesses and the provision of documents was obligatory under the statutes of the Tribunals. The statutes, in turn, had been adopted by the Council in resolutions adopted under Chapter VII of the Charter of the United Nations.¹⁰ While welcoming Croatia's increased cooperation with the International Tribunal for the Former Yugoslavia, the representatives of France, the United Kingdom and Germany called on the authorities in Bosnia and Herzegovina and Serbia and Montenegro to cooperate fully with the Tribunal.¹¹ In this regard, the representative of the United Kingdom stressed that his country would maintain appropriate pressure on all concerned States to meet their obligations, and that continued non-compliance with Security Council resolutions by Bosnia and Serbia and Montenegro would "frustrate any aspirations" of integration with Euro-Atlantic structures.¹²

With respect to the shortfall in Member States' contributions to the Tribunals, most speakers urged those concerned to make good on their commitments. The representative of France held that the Tribunals

should not be expected to implement their completion strategies without proper funding.¹³ The representative of Brazil assured the Council that his country was making every effort to fulfil his country's outstanding commitments.¹⁴

Turning to the election of permanent judges of the International Tribunal for the Former Yugoslavia whose terms would expire in November 2005, several speakers voiced concern at the likely disruption to the Tribunal's work should some of these not be re-elected and expressed their willingness to resolve the issue. The representative of Benin called for the reconciliation of the judges' mandates with the length of trials.¹⁵ The representative of the United Kingdom opined that the Council should consider allowing judges who were not re-elected to complete their cases when such cases were over six months old.¹⁶ In the view of the representative of the Russian Federation, in resolving the issue it was essential to maintain "universally accepted norms".¹⁷ Any "legitimate solution" to the problem, added the representative of Brazil, should be approved by the General Assembly in the light of its "prerogatives" on the subject.¹⁸

Council members generally stressed the importance of the transfer of intermediate and lower rank accused to suitable national jurisdictions, which was an important element in meeting the timelines of the completion strategies. They underlined that prior to such transfers the national jurisdictions concerned must meet the relevant international standards of justice, and noted that the establishment of the special war crimes court in Bosnia and Herzegovina was a positive step in this direction.

The representative of the United Kingdom welcomed the plans of the International Tribunal for the Former Yugoslavia to conduct a further review of cases for possible referrals in 2005, but, together with the representatives of Chile and the United States, emphasized that key accused individuals, including Karadžić, Mladić and Gotovina, had to be tried directly by the Tribunal.¹⁹ As to the International Criminal

⁹ *Ibid.*, pp. 21-22 (France); pp. 22-23 (Chile); pp. 24-25 (Brazil); pp. 25-26 (Romania); pp. 26-27 (Germany); p. 27 (United States); S/PV. 4999 (Resumption I), pp. 3-4 (Benin); and pp. 6-7 (Spain).

¹⁰ S/PV. 4999, pp. 21-22.

¹¹ *Ibid.*, pp. 21-22 (France); pp. 23-24 (United Kingdom); pp. 26-27 (Germany); and p. 27 (United States).

¹² *Ibid.*, pp. 23-24.

¹³ *Ibid.*, pp. 21-22.

¹⁴ *Ibid.*, pp. 24-25.

¹⁵ S/PV.4999 (Resumption I), pp. 3-4.

¹⁶ S/PV.4999, pp. 23-24.

¹⁷ *Ibid.*, pp. 27-28.

¹⁸ *Ibid.*, pp. 24-25.

¹⁹ *Ibid.*, pp. 23-24 (United Kingdom); pp. 22-23 (Chile) and p. 27 (United States).

Tribunal for Rwanda, he noted the importance of exploring the possibility of transferring cases to African States where certain suspects were being detained, and hoped that Rwanda would soon meet the requisite standards for such referrals.²⁰ The representative of Benin was of the view that the Tribunals should also pay close attention to the “cultural environment” of those States they referred cases to.²¹ The representative of Romania held that the concept of senior perpetrators could be further adjusted, as provided for in resolution 1534 (2004). This would allow an even greater number of cases to be transferred to national jurisdictions.²²

The representative of Bosnia and Herzegovina stated that “in all fairness”, his country had “done a lot” when it came to cooperation with the International Tribunal for the Former Yugoslavia since the last report of the President and the Prosecutor of the Tribunal.²³ The representative of Rwanda, while noting that the number of suspects considered to be “most responsible” had decreased from 300 to less than 50, requested the Council to ensure that there would be no impunity and that suspects no longer pursued by the Tribunal would face justice. He believed that the international community, and the Council in particular, had a responsibility to bring those suspects to justice, whether at the ICTR or elsewhere. He also urged the Council to recognize the difficulties faced by genocide survivors, including women who had contracted HIV as a result of rapes. While those responsible for those crimes received treatment in United Nations detention facilities, their victims — who were often expected to testify in the cases — were not given the necessary attention.²⁴

The representative of Serbia and Montenegro, while stating that his Government’s cooperation with the office of the Prosecutor of the International Tribunal for the Former Yugoslavia had been of somewhat “lower intensity” owing to circumstances stemming from the political situation in the country, stressed that the Council could “rest assured” that his Government in the near future would continue to cooperate with the Tribunal.²⁵

²⁰ Ibid., pp. 23-24.

²¹ S/PV.4999 (Resumption 1), pp. 3-4.

²² S/PV.4999, pp. 24-25.

²³ S/PV.4999 (Resumption 1), pp. 7-8.

²⁴ Ibid., pp. 9-11.

²⁵ Ibid., pp. 11-12.

Decision of 4 August 2004 (5016th meeting): statement by the President

At its 5016th meeting, on 4 August 2004, the Council included in its agenda a letter dated 21 May 2004 from the President of the International Tribunal for the Former Yugoslavia²⁶ and a letter dated 30 April 2004 from the President of the International Criminal Tribunal for Rwanda to the Security Council,²⁷ which in accordance with resolution 1534 (2004) detailed the Tribunals’ progress towards implementation of their respective completion strategies.

The President (Russian Federation) then read out a statement on behalf of the Council,²⁸ by which the Council, *inter alia*:

Reaffirmed its support for the two Tribunals and welcomed their efforts to carry out their completion strategies;

Strongly encouraged the Tribunals to make every effort to ensure that they remained on track to meet the target dates of the completion strategies;

Stressed that the full cooperation of all States with the Tribunals was not only a mandatory obligation of all States but also was an essential element in realizing the completion strategies;

Reiterated its call upon all States to intensify cooperation with and render all necessary assistance to the International Tribunal for the Former Yugoslavia, in particular to bring Radovan Karadžić and Ratko Mladić, as well as Ante Gotovina and all other such indictees to the Tribunal;

Reiterated its call upon all States to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda, including in investigations of the Rwandan Patriotic Army and efforts to bring Félicien Kabuga and all other such indictees to the Tribunal;

Noted with concern that the shortfall in financial contributions from Member States was having a disruptive effect on the work of the Tribunals and urged Member States to fulfil their commitments in a timely manner.

Deliberations of 23 November 2004 (5086th meeting)

At its 5086th meeting, on 23 November 2004, the Council included in its agenda a letter dated 23 November 2004 from the President of the International Tribunal for the Former Yugoslavia,²⁹ and a letter dated

²⁶ S/2004/420.

²⁷ S/2004/341.

²⁸ S/PRST/2004/28.

²⁹ S/2004/897.

19 November 2004 from the President of the International Criminal Tribunal for Rwanda,³⁰ transmitting assessments and reports regarding the implementation of the completion strategies of the two Tribunals, pursuant to resolution 1534 (2004). The Council heard statements by the Presidents and Prosecutors of the two Tribunals. All Council members, as well as the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia and Montenegro took the floor.

The President of the International Tribunal for the Former Yugoslavia reported that the Tribunal's trial chambers continued to work at full capacity. The Tribunal's ability to adhere to its completion strategy, he noted, centred on referring cases to national courts, improved cooperation by the States of the former Yugoslavia and a continued focus of resources on the most senior-level accused. Rule 11 bis of the Rules of Procedure and Evidence gave the Tribunal's trial chambers the power to refer indictments to the authorities of certain States, although the Tribunal would retain jurisdiction over the most high-level defendants and the most serious crimes. The States of the former Yugoslavia were at varied stages of readiness to receive transfers, he added, with a special chamber of the State Court of Bosnia and Herzegovina expected to become operational by January 2005. He reported a wide variation in the willingness of the above-mentioned States to cooperate with the Tribunal, although the cooperation of Bosnia and Herzegovina remained positive. Concerning the status of the completion strategy, he noted that "significant revision" of the assessment estimates of May 2004 would not be required. The current hiring freeze could nevertheless affect the Tribunal's ability to successfully implement the completion strategy.³¹

The President of the International Criminal Tribunal for Rwanda said that the Tribunal intended to complete all its trials by 2008 in line with its completion strategy, but underlined that it could only comply with the strategy time frames if it was provided with sufficient resources. He noted that the shortfall in assessed contributions had required that a hiring freeze be imposed. He noted Rwanda's continued cooperation

with the Tribunal, providing relevant documentation and allowing a "steady flow of witnesses" to Arusha.³²

The Prosecutor of the International Tribunal for the Former Yugoslavia addressed obstacles that could derail the Tribunal's completion strategy and which were "outside" its control, chief among them a lack of cooperation of States, particularly in the arrest and transfer of indictees, including Radovan Karadžić, Ratko Mladić and Ante Gotovina. The Tribunal's objectives, she underlined, would not be fulfilled unless these and other high-level accused were tried at The Hague. Most fugitives, she reported, had found a "safe haven" in Serbia and Montenegro, while some still resided in Bosnia and Herzegovina. Ante Gotovina had recently been "seen repeatedly" in Croatia. As for the latter's "stepped up" efforts to locate Gotovina, who appeared to benefit from a well-organized support network, the Prosecutor noted that those efforts had yet to produce concrete results. Should such high-level indictees not be arrested and transferred to The Hague "in the months to come", she cautioned, the target dates of the completion strategy might have to be revised. Concerning the "financial crisis" in the Tribunal and the hiring freeze imposed by the Secretariat in May 2004, she stressed that this had already impeded the Tribunal's work and could soon affect the efficiency of the trials.³³

The Prosecutor of the International Criminal Tribunal for Rwanda reported that progress had been made on several fronts since his last briefing on 29 June; as projected, all investigations would be completed by the end of 2004. He further reported that discussions were under way with Rwanda and other States concerning the transfer of medium- and lower-level cases. Apart from the former, however, it was proving difficult to find States "ready, able and willing" to take on such cases. The Prosecutor stressed that 14 indictees remained at large, the majority located in the Democratic Republic of the Congo. Efforts at dialogue with the Government of the Democratic Republic of the Congo in that respect were ongoing.³⁴

Delegations noted with appreciation the progress made by the two Tribunals since the last presentations. Such progress, they agreed, kept on course the goal of the completion strategies to conclude trials by 2008

³⁰ S/2004/921.

³¹ S/PV.5086, pp. 4-8.

³² *Ibid.*, pp. 8-10.

³³ *Ibid.*, pp. 10-14.

³⁴ *Ibid.*, pp. 14-15.

and appeals by 2010. They also appreciated the improvement in the efficiency of the Tribunals. Many delegations expressed their support for the idea of referring medium- and lower-level indictees to national jurisdictions. The representative of the United Kingdom praised the Tribunals for doing an excellent job in preparing national courts to receive such cases, as evidenced by the establishment of a war crimes chamber in Bosnia and Herzegovina.³⁵

Concerns were voiced by some delegations, however. The representative of Brazil, echoed by the representative of Benin, held that the transfer of cases to local courts should reflect the actual conditions of those judicial institutions, and that international principles and standards of due process must be respected by the third-party Tribunals.³⁶ The representative of France was concerned about the “climate of intimidation” and, in general, the climate in which the authority of the International Tribunal for the Former Yugoslavia was challenged, which put in doubt the environment in which some national jurisdictions were to try cases.³⁷

The representatives of Bosnia and Herzegovina and Croatia expressed their readiness to assume part of the Tribunal’s work, the former calling upon Member States to provide technical and financial support to that end.³⁸ The representative of Croatia stated that his country had started a programme with the support of the Netherlands to train legal experts in prosecuting war crimes. The representative of Rwanda considered the transfer of cases to its national jurisdiction to be a key factor in ensuring that all major perpetrators of genocide faced justice, even after the completion of the Tribunal’s mandate.³⁹

Delegations shared the concern that a number of problems, if left unresolved, might hamper the smooth implementation of the completion strategies. Of particular concern was the lack of cooperation from some States in terms of the arrest of indictees as well as access to witnesses and documentary evidence. At the same time, speakers were in agreement that, as long as the indictees remained at large, in particular those at

high levels, the Tribunals would not be able to complete their mandates. The representatives of Brazil and Spain hinted that the Council might eventually need to adjust the completion strategies.⁴⁰

On the International Tribunal for the Former Yugoslavia, the representative of the United States, echoed by the representative of the United Kingdom, reiterated that Serbia and Montenegro, Bosnia and Herzegovina, and Croatia must fulfil their legal obligation to cooperate fully with the Tribunal by apprehending all indictees.⁴¹ It was disturbing, said the representative of France, to learn that effective and well-placed networks still protected those responsible for major crimes.⁴² On the International Criminal Tribunal for Rwanda, the representative of the United States urged the Democratic Republic of the Congo and Kenya to fulfil their obligations to apprehend the indictees. Those fugitives, he said, continued to incite conflict in the Great Lakes region.⁴³

The representative of Croatia contended that his Government was in no way evading its responsibility.⁴⁴ Without directly responding to the charges of non-cooperation, the representative of Serbia and Montenegro reiterated his country’s willingness to cooperate with the International Tribunal for the Former Yugoslavia.⁴⁵ The representative of Bosnia and Herzegovina regretted that the most recent activities of the authorities of his country were not recognized by the Tribunal, including the arrests of eight indictees.⁴⁶

Deliberations of 13 June 2005 (5199th meeting)

At its 5199th meeting, on 13 June 2005, the Council included in its agenda a letter dated 25 May 2005 from the President of the International Tribunal for the Former Yugoslavia⁴⁷ and a letter dated 19 November 2005 from the President of the International Criminal Tribunal for Rwanda,⁴⁸ transmitting assessments of the completion strategies of the Tribunals by their Presidents and Prosecutors. During the meeting, all

³⁵ Ibid., pp. 17-18.

³⁶ Ibid., pp. 18-19 (Brazil); and p. 23 (Benin).

³⁷ Ibid., pp. 23-25.

³⁸ Ibid., pp. 32-34 (Croatia); and pp. 38-39 (Bosnia and Herzegovina).

³⁹ Ibid., pp. 36-38.

⁴⁰ Ibid., pp. 18-19 (Brazil); and pp. 21-23 (Spain).

⁴¹ Ibid., p. 28 (United States); and pp. 17-18 (United Kingdom).

⁴² Ibid., pp. 23-25.

⁴³ Ibid., p. 28.

⁴⁴ Ibid., pp. 32-34.

⁴⁵ Ibid., pp. 34-36.

⁴⁶ Ibid., pp. 38-39.

⁴⁷ S/2005/343.

⁴⁸ S/2005/336.

Council members and the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia and Montenegro made statements. The Council heard statements by the Presidents and Prosecutors of the two Tribunals.

Highlighting the main points in his report, the President of the International Tribunal for the Former Yugoslavia stressed that the Tribunal had been working to meet the goals of the completion strategy at an “unrelenting” pace. On the referral of cases to national jurisdictions, he stated that the War Crimes Chamber of the State Court of Bosnia and Herzegovina was now ready to accept cases. He noted a “dramatic increase” in the number of indictees and fugitives transferred to the Tribunal, thanks mostly to the efforts of the authorities of Serbia and Montenegro, sometimes together with the authorities of the Republika Srpska. However, he reminded Croatia, the Republika Srpska and Serbia and Montenegro of their obligation to locate and arrest Ante Gotovina, Radovan Karadžić and Ratko Mladić. He reiterated that the Tribunal would not have fulfilled its historic mission until those three fugitives were in The Hague.⁴⁹

The President of the International Criminal Tribunal for Rwanda reported on the progress made at the Tribunal, and stated that the number of accused in completed and ongoing cases was 50, including one prime minister, 11 government ministers, and many other high-ranking individuals. This illustrated the importance of the Tribunal in establishing the guilt or innocence of the alleged leaders of the 1994 genocide who would probably otherwise not have been brought before a court. He confirmed that the Tribunal was on schedule to complete its trials by the end of 2008, as called for by the completion strategy.⁵⁰

The Prosecutor of the International Tribunal for the Former Yugoslavia cited as positive developments the fact that no less than 20 accused had been surrendered since November, including 10 who had been fugitives for an extended period. However, those developments were overshadowed by the continuing failure of the relevant authorities to arrest and transfer 10 remaining fugitives. This created uncertainties that were hampering a proper planning of the trials, and might oblige the Tribunal to conduct separate trials where a joined trial would have been possible. She

reiterated that the assets of the North Atlantic Treaty Organization (NATO) and the European Force (EUFOR) would be invaluable in bringing Karadžić and others to justice.⁵¹

The Prosecutor of the International Criminal Tribunal for Rwanda stated that with the completion of all the remaining investigations in 2004, the focus of the prosecution would be the courtroom prosecution of the cases of the 25 accused, and the preparation of cases regarding the 16 remaining detainees and others indicted. The prosecution would carry out as a high priority a “more effective tracking and apprehension strategy” for the 14 fugitives. For this purpose, he had agreed to establish a joint mechanism with each of the five African countries in which the remaining fugitives were thought to be located. He also had useful discussions with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the African Union on modalities of tracking the fugitives. On the referral of cases, he said that Rwanda continued to be the country primarily interested in such referral while three European countries had also expressed an interest in taking on some cases.⁵²

Most Council members reaffirmed the need for the two Tribunals to abide by their completion strategies, noting with satisfaction the progress made in this respect. They welcomed the establishment of the War Crimes Chamber of the State Court in Bosnia and Herzegovina.

The representative of Japan voiced concern, however, at the indication that the trial activities of the International Tribunal for the Former Yugoslavia might run into 2009.⁵³ This concern was shared by the representative of Denmark, who maintained that it was crucial that the Tribunals finalized their work on time.⁵⁴ On the other hand, the representative of Brazil was of the view that insisting on rigid deadlines as set out in the completion strategy could frustrate the pursuit of justice and the goal of ending impunity.⁵⁵ The representative of France insisted that the timetable given to the Tribunals should not result in impunity by default.⁵⁶

⁴⁹ S/PV.5199, pp. 4-9.

⁵⁰ Ibid., pp. 9-11.

⁵¹ Ibid., pp. 11-14.

⁵² Ibid., pp. 14-16.

⁵³ Ibid., pp. 23-24.

⁵⁴ Ibid., p. 20.

⁵⁵ Ibid., pp. 18-19.

⁵⁶ Ibid., p. 28.

The representative of the United Kingdom welcomed the commitment of the Organization for Security and Cooperation in Europe (OSCE) to monitor the conduct of cases referred to national jurisdictions. On the International Criminal Tribunal for Rwanda, he raised concern about questions concerning the death penalty and local capacity.⁵⁷

The representative of Denmark made clear that for the countries of the former Yugoslavia full cooperation with the International Tribunal for the Former Yugoslavia was a precondition for their integration into European and trans-Atlantic structures.⁵⁸ The representatives of Croatia and Serbia and Montenegro reaffirmed their countries' willingness to cooperate with the Tribunal. As a sign "illustrating the scope of cooperation" with the Tribunal, the representative of Serbia and Montenegro cited the fact that as many as 13 indicted persons from Serbia and two from the Republika Srpska had voluntarily turned themselves in to the Tribunal since November 2004.⁵⁹ The representative of Croatia stated that to close the "last remaining issue" in cooperation with the Tribunal, it had begun implementing its action plan, which had been presented to the European Union task force in April.⁶⁰ The representative of Bosnia and Herzegovina maintained anew that lasting peace and stability could not be achieved in the region as long as major indictees, in particular Karadžić and Mladić, remained at large.⁶¹ The representative of Rwanda voiced concern about the completion strategy, stating that it should not be seen as an exit strategy for the obligations of the international community to bring all the suspects to justice. On the referral of cases, he reaffirmed Rwanda's willingness to enter into agreement with the International Criminal Tribunal for Rwanda not to seek the death penalty in any of the transferred cases.⁶²

Deliberations of 15 December 2005 (5328th meeting)

At its 5328th meeting, on 15 December 2005, the Council included in its agenda a letter dated 30 November 2005 from the President of the International

Tribunal for the Former Yugoslavia,⁶³ and a letter dated 5 December 2005 from the President of the International Criminal Tribunal for Rwanda,⁶⁴ transmitting the annual reports on the implementation of the completion strategies of the Tribunals. The Council heard statements by the Presidents and Prosecutors of the Tribunals. All Council members, as well as the representatives of Bosnia and Herzegovina, Croatia, Rwanda and Serbia and Montenegro, made statements.

The President of the International Tribunal for the Former Yugoslavia stated that Ante Gotovina, one of the Tribunal's highest ranking accused, had been arrested in Spain and had been transferred to the Tribunal on 10 December. He also informed the Council that one case had been referred to Croatia, two had been referred to the War Crimes Chamber of the State Court of Bosnia and Herzegovina, and more referral motions were pending final decision. He further stated that the failure to arrest the remaining six indictees at large remained a "major concern", citing insufficient cooperation by the Republika Srpska in providing information leading to the arrest of the two "most wanted fugitives", Radovan Karadžić and Ratko Mladić.⁶⁵ The Prosecutor of the Tribunal stressed that the failure to bring Karadžić and Mladić into the Tribunal's custody was the "major impediment" to the success of its work.⁶⁶

The President of the International Criminal Tribunal for Rwanda reported that considerable work remained to be done, and stressed the need for cooperation by States in relation to the transfer of cases and arrest of fugitives, stressing that impunity for perpetrators of mass atrocities was not a viable option.⁶⁷ The Prosecutor of the Tribunal elaborated on a number of significant developments that had occurred in the implementation of the Tribunal's completion strategy. He noted that 30 case files had been handed over to the Rwandan Prosecutor General to consider prosecution before the Rwandan courts, while two cases had been referred to a European jurisdiction which had agreed to consider the targets for prosecution, and one prosecution had already commenced in a European jurisdiction. He further noted that 19 indictees remained at large, many of whom, according to his sources, continued to hide in inaccessible areas of the Democratic Republic of the

⁵⁷ *Ibid.*, pp. 20-21.

⁵⁸ *Ibid.*, p. 20.

⁵⁹ *Ibid.*, pp. 29-30.

⁶⁰ *Ibid.*, pp. 34-35.

⁶¹ *Ibid.*, pp. 32-34.

⁶² *Ibid.*, pp. 30-32.

⁶³ S/2005/781.

⁶⁴ S/2005/782.

⁶⁵ S/PV.5328., pp. 4-7.

⁶⁶ *Ibid.*, pp. 9-14.

⁶⁷ *Ibid.*, pp. 7-9.

Congo. Félicien Kabuga had been located in Kenya by the Tribunal's tracking team and other sources. He therefore stressed that the Government of Kenya should be "encouraged to make more intensive efforts" to arrest and hand him over.⁶⁸

The Council members welcomed the arrest and transfer of Ante Gotovina to the International Tribunal for the Former Yugoslavia, and the cooperation of the Croatian and Spanish authorities in that regard. At the same time, a number of delegations called on the Serbian authorities to intensify their efforts to apprehend the remaining high-ranking indictees. The representative of the United States reiterated that full cooperation with the Tribunal remained a condition for further integration into Euro-Atlantic institutions for the States of the former Yugoslavia, and called on Kenya to transfer Kabuga to the Tribunal for Rwanda, stressing that those fugitives continued to foment conflict in the Great Lakes region.⁶⁹

The representative of Rwanda stated that his country had the capacity to handle all cases transferred from the International Criminal Tribunal for Rwanda.⁷⁰ The representative of Bosnia and Herzegovina reiterated his country's strong commitment that all those indicted for war crimes must be brought to justice.⁷¹ The representative of Serbia and Montenegro reiterated the readiness and full political will of his country's highest authorities to do all in their power to transfer the remaining indictees to the custody of the International Tribunal for the Former Yugoslavia.⁷²

Deliberations of 7 June 2006 (5453rd meeting)

At its 5453rd meeting on 7 June 2006, the Council included in its agenda a letter dated 29 May 2006 from the President of the International Tribunal for the Former Yugoslavia⁷³ and a letter dated 29 May 2006 from the President of the International Criminal Tribunal for Rwanda,⁷⁴ transmitting reports on the progress made with respect to the completion strategies of the Tribunals. The Council heard statements by the Presidents and Prosecutors of the Tribunals. All

Council members and the representatives of Rwanda and Serbia⁷⁵ made statements.

With respect to the completion strategy, the President of the International Tribunal for the Former Yugoslavia confirmed that trials would run into 2009 and reiterated that the estimate of all trials finishing by that date might hold, provided that the multi-accused trials ran smoothly; the cases referred to the former Yugoslavia were not deferred back to the Tribunal; the new amendment to rule 73 bis was effectively implemented so that indictments were more focused; and the six remaining high-level fugitives would shortly be transferred to the jurisdiction of the Tribunal. He also updated the Council about the latest developments following the deaths of Milan Babić and Slobodan Milošević.⁷⁶

The Prosecutor of the International Tribunal for the Former Yugoslavia informed the Council that she had filed 13 motions requesting the transfer of cases to the domestic jurisdictions of the former Yugoslavia, after assessing that the local judiciaries would be capable of trying such cases. She called on Serbia to do much more to arrest and transfer Mladić, while she stated that the arrest of Karadžić was the shared responsibility of Serbia, the Republika Srpska, NATO and EUFOR. She also expressed disappointment that the investigation by Russian authorities had failed to produce results on the whereabouts of Vlastimir Djordjević, accused of being responsible for serious crimes committed in Kosovo by Serbian forces, and the "long and unexplained delay" in the transfer by Russian authorities of a fugitive detained in the Russian Federation, Dragan Zelenović. This did "not allow for optimism regarding the future of the Tribunal's cooperation with the Russian Federation", she said.⁷⁷

The President of the International Criminal Tribunal for Rwanda stressed that, to ensure the successful implementation of the Tribunal's completion strategy, continuity and maximum efficiency were essential, and it was preferable in that regard to extend

⁶⁸ Ibid., pp. 14-16.

⁶⁹ Ibid., pp. 28-29.

⁷⁰ Ibid., pp. 31-33.

⁷¹ Ibid., pp. 33-34.

⁷² Ibid., pp. 35-36.

⁷³ S/2006/353.

⁷⁴ S/2006/358.

⁷⁵ On 3 June 2006, following the declaration of independence adopted by the National Assembly of Montenegro, the State Union of Serbia and Montenegro ceased to exist. As from that date, the membership of Serbia and Montenegro in the United Nations was continued by the Republic of Serbia.

⁷⁶ S/PV.5453, pp. 4-7.

⁷⁷ Ibid., pp. 10-12.

the judges' mandate for about 19 months instead of electing new judges in 2007.⁷⁸ The Prosecutor of the Tribunal for Rwanda drew attention to the referral of cases to national jurisdictions, which continued to be a slow and challenging process, and the large number of remaining fugitives. He reiterated that the Government of Kenya needed to be encouraged to make more intensive efforts to arrest Félicien Kabuga, who according to intelligence continued to reside in Kenya.⁷⁹

The Council members encouraged the two Tribunals to meet their completion strategies by exploring all necessary and appropriate measures. Many delegations welcomed the recommendations made by the working group on speeding up of trials of the International Tribunal for the Former Yugoslavia, as well as the specific measures taken by the International Criminal Tribunal for Rwanda to ensure that work progressed in a timely fashion. The representative of the United States stressed that the international community could ensure the success of the completion strategy of the International Tribunal for the Former Yugoslavia by supporting the Tribunal's efforts towards creating the capacity for domestic trials of low- and medium-level cases.⁸⁰ Members generally supported the extension of the terms of office of the 11 permanent judges of the International Criminal Tribunal for Rwanda from the point of view of fulfilling its completion strategy. The President (Denmark) recalled that she had circulated a draft resolution to that effect for the Council's consideration, and expressed the hope that the Council would be able to adopt the text shortly.⁸¹

With regard to the inquiries into the deaths of Milan Babić and Slobodan Milošević, the representative of the United States believed that the inquiries initiated by the International Tribunal for the Former Yugoslavia were "thorough and appropriate responses," and commended the Tribunal's commitment to implementing the recommendations of the inquiries.⁸² The representative of the Russian Federation questioned why Slobodan Milošević, in spite of his deteriorating health, had not been admitted to a clinic in the Netherlands, claiming that his health problems had not been properly monitored. Further, he stated that his

delegation "did not accept the negative assessment" by the Prosecutor of the cooperation between the Russian Federation and the Tribunal, and stressed that his country had made "necessary efforts" to meet the Tribunal's request for assistance. Finally, pointing to the Tribunal's increased budget, he said that the Tribunal must strictly comply with its completion strategy.⁸³

The representative of the United Kingdom hoped that the Russian authorities would continue to make every effort to resolve difficulties so that Zelenovic could quickly be transferred to The Hague. He also looked forward to the Russian authorities continuing to do all they could to trace Djordjevic, and, if found, immediately transfer him to The Hague.⁸⁴

The representative of Serbia reiterated the readiness and full political will of his country's authorities to do all in their power to transfer the remaining indictees to the custody of the International Tribunal for the Former Yugoslavia.⁸⁵ The representative of Rwanda said that his Government would welcome appropriate measures that would ensure that all accused were brought to justice, even after that Tribunal's mandate had expired.⁸⁶

Deliberations of 15 December 2006 (5594th meeting)

At its 5594th meeting, on 15 December 2006, the Council included in its agenda a letter dated 15 November 2006 from the President of the International Tribunal for the Former Yugoslavia⁸⁷ and a letter dated 30 November 2006 from the President of the International Criminal Tribunal for Rwanda,⁸⁸ transmitting reports on the progress made with respect to the completion strategies of the Tribunals. The Council heard statements by the Presidents and Prosecutors of the two Tribunals. In addition to all the Council members, statements were made by the representatives of Bosnia and Herzegovina, Rwanda and Serbia.

In his briefing, the President of the International Tribunal for the Former Yugoslavia elaborated on the most recent steps taken to enhance the efficiency of the

⁷⁸ Ibid., pp. 7-9.

⁷⁹ Ibid., pp. 12-14.

⁸⁰ Ibid., pp. 20-21.

⁸¹ Ibid., p. 28.

⁸² Ibid., pp. 20-21.

⁸³ Ibid., pp. 23-24.

⁸⁴ Ibid., pp. 24-25.

⁸⁵ Ibid., pp. 28-30.

⁸⁶ Ibid., pp. 30-32.

⁸⁷ S/2006/898.

⁸⁸ S/2006/951.

Tribunal, and gave an updated prognosis for the implementation of the completion strategy. He noted that, barring any unforeseen difficulties, all trials of accused in custody of the Tribunal were scheduled to be completed by 2009.⁸⁹ The Prosecutor of the Tribunal stated that the recent decision of NATO to allow Bosnia and Herzegovina and Serbia into the Partnership for Peace, was “a powerful signal that the international support for the Tribunal was decreasing”. She therefore wished to request the Council to consider whether the Tribunal should stay open until Karadžić and Mladić were tried in The Hague. She stressed the importance of this for the tens of thousands of victims who had placed their hope in the justice provided by the United Nations.⁹⁰

The President of the International Criminal Tribunal for Rwanda drew attention to the situation of some of the persons acquitted by the Tribunal, some of whom were at this time under the protection of the Tribunal in Arusha, and were in need of a new country of residence.⁹¹ The Prosecutor of the Tribunal noted that, increasingly, many States had become willing to share the burden of prosecuting alleged *génocidaires* who had taken up residence within their country. Those countries included Canada, the United States and several States in Europe.⁹²

The representative of the United Kingdom stated that the question of the NATO invitation to Bosnia and Herzegovina and Serbia into the Partnership for Peace should not be construed as a weakening of support for the Tribunal. She noted that their further integration with European Union and NATO would depend on the extent of progress with respect to the Tribunal.⁹³

The representative of Serbia emphasized his country’s determination to cooperate with the Tribunal, pointing out that 16 indictees had been transferred to The Hague since January 2005 thanks to its “outstanding efforts”.⁹⁴

The representatives of the United Republic of Tanzania and China called for international support for national jurisdictions to improve their capacities to

prosecute cases transferred to them.⁹⁵ The representative of Rwanda reiterated his country’s desire to receive more referrals, saying that it was time for it to assume “full national responsibility”.⁹⁶

Speakers stressed the need to implement the completion strategy on time. The representative of France stressed that it constituted goals but not cut-off dates and that, for his delegation, it was clear that the mission of the Tribunals could not be considered complete as long as the principal fugitive accused had not been judged.⁹⁷ Similarly, the representative of the United Republic of Tanzania said that the arrests and trials of high-ranking fugitives needed to be factored into the completion strategy.⁹⁸ The representative of the United States agreed, suggesting that the Council should begin discussions as to how best to guarantee that those fugitives faced justice “no matter when they were apprehended”. Supported by the representative of the United Kingdom, she said that the Tribunal’s doors would “remain open for Mladić and Karadžić”.⁹⁹

On the other hand, the representative of Japan noted that if the Tribunals should choose to await their arrests, “it would be very difficult to justify and sustain our support” to them through the regular budget. He reiterated that possible funding beyond the deadline should be met through voluntary contributions by States concerned.¹⁰⁰ The representative of the Russian Federation insisted that the Tribunals should strictly implement the completion strategy, which had been approved by the Council. The fact that Mladić and others had not been brought to the Tribunal could not justify the indefinite duration of its work, in his opinion.¹⁰¹

Deliberations of 18 June 2007 (5697th meeting)

At its 5697th meeting, on 18 June 2007, the Council included in its agenda a letter dated 15 May 2007 from the President of the International Tribunal for the Former Yugoslavia¹⁰² and a letter dated 23 May

⁸⁹ S/PV.5594, pp. 4-8.

⁹⁰ Ibid., pp. 10-12.

⁹¹ Ibid., pp. 8-10.

⁹² Ibid., pp. 12-15.

⁹³ Ibid., pp. 20-21.

⁹⁴ Ibid., pp. 28-30.

⁹⁵ Ibid., pp. 15-16 (United Republic of Tanzania); and p. 18 (China).

⁹⁶ Ibid., pp. 30-32.

⁹⁷ Ibid., pp. 23-24.

⁹⁸ Ibid., pp. 15-16.

⁹⁹ Ibid., pp. 16-17 (United States); and pp. 20-21 (United Kingdom).

¹⁰⁰ Ibid., pp. 17-18.

¹⁰¹ Ibid., pp. 22-23.

¹⁰² S/2007/283.

2007 from the President of the International Criminal Tribunal for Rwanda,¹⁰³ transmitting assessments of progress made towards the implementation of the completion strategies of the Tribunals. In addition to all Council members, statements were made by the representatives of Bosnia and Herzegovina, Montenegro,¹⁰⁴ Rwanda and Serbia. The Council heard statements by the Presidents and the Prosecutors of the two Tribunals.

The President of the International Tribunal for the Former Yugoslavia elaborated on recent progress made in making trials more efficient. This included the effective use of rule 73 bis, according to which the Prosecutor could be requested or ordered to reduce the indictment in some of the cases.¹⁰⁵ The Prosecutor of the Tribunal highlighted some positive developments in Serbia's cooperation with the Tribunal, while stressing that the continued impunity enjoyed by Mladić and Karadžić undermined all efforts to bring justice to the victims, while affecting the credibility of the Tribunal.¹⁰⁶

The President of the International Criminal Tribunal for Rwanda reiterated the obstacles to the completion strategy, including the 18 accused persons that remained at large.¹⁰⁷ The Prosecutor of the Tribunal noted that 6 of the 18 fugitives had been earmarked for trial because of their respective leadership roles in the genocide of 1994. He stressed that in the event that those fugitives were arrested too late for their trials to conclude by the end of 2008, or if they remained at large by that date, the Council's guidance would be needed regarding how to deal with their cases. In that context, he noted that Félicien Kabuga had been seen by independent sources in Nairobi as late as April 2007, and that most of the remaining fugitives were reported to be in the Democratic Republic of the Congo. He further noted that Rwanda had enacted legislation, which had come into force, and which excluded the application of the death penalty in cases referred from the Tribunal. He considered that that, in addition to other measures

taken, had made Rwanda eligible for referral of cases under rule 11 bis of the Tribunal's rules.¹⁰⁸

Most speakers commended the recent arrests of General Zdravko Tolimir and General Vlastimir Djordjevic that had been facilitated by the Serbian, Montenegrin and Republika Srpska authorities. They highlighted the need to bring all indictees to justice, particularly Radovan Karadžić, Ratko Mladić and Félicien Kabuga.

The representative of the Russian Federation highlighted the fact that General Djordjevic had been arrested in Montenegro, not in his country.¹⁰⁹ The Prosecutor of the International Tribunal for the Former Yugoslavia responded that that did not mean that General Djordjevic had never been in the Russian Federation, adding that, following General Tolimir's arrest, it had been confirmed that General Djordjevic had also been in the Russian Federation in 2005.¹¹⁰

On the obligation of States to cooperate with the Tribunals, the representative of the United Kingdom stressed that the ongoing process aimed at integrating Serbia into the European Union did not mean that the European Union had put less emphasis on Serbia's cooperation with the International Tribunal for the Former Yugoslavia.¹¹¹ In response, the representative of Serbia stated that his Government had responded to the Tribunal's 1,600 requests in a timely and speedy manner, leaving only 2 to 3 per cent of those requests still pending.¹¹²

With respect to the residual issues remaining after the expiration of the mandates of the Tribunals, the representative of Panama believed that the Council needed to consider a possible transfer of the Tribunals' work to the International Criminal Court.¹¹³ Specifically, the representative of Rwanda requested that after the mandate of the Tribunal for Rwanda had expired, all its pending cases be transferred to the national jurisdiction of his country, and called on the Council to adopt a resolution which would obligate States to fully cooperate with Rwanda in prosecuting the pending cases. He also stressed that convicted persons needed to serve their sentences in Rwanda, and

¹⁰³ S/2007/232.

¹⁰⁴ The Republic of Montenegro was admitted to membership in the United Nations on 29 June 2006.

¹⁰⁵ S/PV.5697, pp. 4-7.

¹⁰⁶ *Ibid.*, pp. 10-13.

¹⁰⁷ *Ibid.*, pp. 7-10.

¹⁰⁸ *Ibid.*, pp. 13-15.

¹⁰⁹ *Ibid.*, p. 22.

¹¹⁰ *Ibid.*, pp. 22-23.

¹¹¹ *Ibid.*, pp. 24-25.

¹¹² *Ibid.*, pp. 33-35.

¹¹³ *Ibid.*, pp. 16-17.

said he was surprised by the information provided by the President and Prosecutor that the Tribunal was considering transferring cases and sending convicted persons to France.¹¹⁴

Speakers remained divided about the implementation of the timetable for the Tribunals to complete their work by 2008. The representatives of France and the United States opined that all indictees must be prosecuted even after the envisaged deadline, with the latter, echoed by the representative of the United Kingdom, declaring that the fugitives could not be allowed to escape justice by “outlasting the Tribunals”.¹¹⁵ On the other hand, the representative of the Russian Federation made clear that his country opposed unlimited extensions of the Tribunals’ work.¹¹⁶ The representative of China noted that, as the Tribunals were wrapping up their work, any follow-up actions by the Council must be in line with the principles contained in the completion strategies.¹¹⁷

Regarding the legacy of the two Tribunals, many speakers maintained that, in addition to the prosecutions and judgements they had made, as well as the residual functions they were still performing, the Tribunals had set an international legal precedent which could guide future courts in similar situations.

Deliberations of 10 December 2007 (5796th meeting)

At its 5796th meeting, on 10 December 2007, the Council included in its agenda a letter dated 12 November 2007 from the President of the International Tribunal for the Former Yugoslavia¹¹⁸ and a letter dated 16 November 2007 from the President of the International Criminal Tribunal for Rwanda,¹¹⁹ transmitting reports on the progress of the completion strategies of the Tribunals. The Council heard statements by the Presidents and Prosecutors of the two Tribunals. In addition to Council members, statements were made by the representatives of Croatia, Rwanda and Serbia.

The President of the International Tribunal for the Former Yugoslavia highlighted the significant progress made in achieving the objectives of the completion strategy.¹²⁰ The President of the International Criminal Tribunal for Rwanda reported steady progress in the judicial output, and stated that the Tribunal had continued to help strengthen the capacity of the judicial system in Rwanda.¹²¹

Referring to Mladić and Karadžić, the Prosecutor of the International Tribunal for the Former Yugoslavia reiterated that it was a “stain” on the Tribunal’s work that the two individuals were still at large. She reiterated her criticism of Serbia for not fully cooperating with her office, pointing to “serious deficiencies” in its approach as well as “wilful obstruction”. She called on the European Union to maintain its principled position by insisting on Serbia’s full cooperation with the Tribunal as a condition in the European Union pre-accession and accession processes.¹²² The Prosecutor of the International Criminal Tribunal for Rwanda reported that, thanks to the recent arrests in France and Germany, the number of fugitives had dropped from 18 to 14. Of the remaining 14, four were considered sufficiently high level for trial in Arusha, including Félicien Kabuga. He cautioned that, if new arrests were to be made in 2008, it would add to the Tribunal’s workload and the Council would have to decide whether to enable the Tribunal to continue.¹²³

Speakers called on Serbia to make all efforts to arrest and hand over all the remaining fugitives without any delay, and many urged Kenya to cooperate with the Tribunal for Rwanda in apprehending Kabuga. The representative of the United Kingdom called on the Democratic Republic of the Congo to arrest, with the full the support of MONUC, a number of the fugitives believed to be in the eastern part of that country.¹²⁴

The representative of the Russian Federation maintained that both Tribunals must be guided by the deadlines established by the Council so that their work would be completed by the end of 2010. The fact that

¹¹⁴ *Ibid.*, pp. 31-33.

¹¹⁵ *Ibid.*, pp. 17-19 (United States); pp. 19-20 (France); and pp. 24-25 (United Kingdom).

¹¹⁶ *Ibid.*, pp. 22-23.

¹¹⁷ *Ibid.*, pp. 28-29.

¹¹⁸ S/2007/663.

¹¹⁹ S/2007/676.

¹²⁰ S/PV.5796, pp. 4-7.

¹²¹ *Ibid.*, pp. 7-9.

¹²² *Ibid.*, pp. 9-11.

¹²³ *Ibid.*, pp. 11-13.

¹²⁴ *Ibid.*, pp. 14-16.

some indictees were not present could not be a reason for a possible mandate extension. National jurisdiction should take over, he said. He also expressed concern over information that one of the indictees of the International Tribunal for the Former Yugoslavia seemed to enjoy protection by the United Nations Interim Administration Mission in Kosovo, and that the Mission did not sufficiently cooperate with the Tribunal.¹²⁵

Many speakers addressed the issue of a residual mechanism to take over after the two Tribunals had closed down. Important aspects of such a mechanism highlighted were future prosecutions of indictees still at large, the involvement of national jurisdictions in such prosecutions, and the issue of the invaluable judicial legacy of the jurisprudence of the Tribunals. Members expressed appreciation for the proposals made by the Tribunals so far, and called for prompt and serious consideration and development of such mechanisms. The representative of Croatia called on the Council to give greater attention to the role that

¹²⁵ Ibid., p. 23.

national legal systems in the region could play in carrying out the residual functions of the International Tribunal for the Former Yugoslavia.¹²⁶

The representative of Rwanda opined that court archives, documents and material of the International Criminal Tribunal for Rwanda should be transferred to his country, since they constituted an important part of the country's history and were of critical importance to reconciliation and civic policies.¹²⁷

In response to the comments of the Prosecutor of the International Tribunal for the Former Yugoslavia, the representative of Serbia asserted that his Government cooperated consistently with the Tribunal to the best of its ability, and reiterated its full commitment to bring the cooperation to a successful end. While stating that all those who committed war crimes should be indicted by the Tribunal, he expressed his belief that the four remaining fugitives "will be located and apprehended in the nearest future".¹²⁸

¹²⁶ Ibid., pp. 29-31.

¹²⁷ Ibid., pp. 26-28.

¹²⁸ Ibid., pp. 28-29.

37. Children and armed conflict

Deliberations of 20 January 2004 (4898th meeting)

On 10 November 2003, the Secretary-General submitted a report on children and armed conflict,¹ in which he reported on advances made towards the protection of children affected by armed conflict and the follow-up to resolution 1460 (2003) and issued a set of recommendations. The recommendations related to systematically incorporating children's issues into peace negotiations, peace accords, post-conflict programmes and also including them in the mandate of all United Nations peace operations. He further recommended giving serious consideration to deploying child protection advisers in every operation, developing a systematic and concerted monitoring and reporting mechanism, and ending impunity. Annexed to the Secretary-General's report for the first time was a list of parties that recruit or use children in situations of armed conflict not on the agenda of the Security Council.

¹ S/2003/1053 and Corr.1 and 2, submitted pursuant to paragraph 16 of resolution 1460 (2003).

At its 4898th meeting, on 20 January 2004, the Security Council included the above-mentioned report in its agenda. The Council was briefed by the Special Representative of the Secretary-General for Children and Armed Conflict and the Executive Director of the United Nations Children's Fund (UNICEF). Statements were made by all Council members as well as by the representatives of Armenia, Azerbaijan, Bangladesh, Canada, Colombia, Costa Rica, Ecuador, Egypt, Fiji, India, Indonesia, Ireland (on behalf of the European Union),² Israel, Japan, Kenya, Liechtenstein, Mali (on behalf of the Human Security Network), Mexico, Monaco, Myanmar, Norway, Sierra Leone, the Syrian Arab Republic, Uganda and Ukraine.

The Special Representative of the Secretary-General stated that significant and concrete progress had

² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

been made, mainly as concerned advocacy, development of standards and innovative initiatives, but that this created a “cruel dichotomy” when contrasted to the general situation for children on the ground, which remained grave and unacceptable. He therefore urged the Council to lead the way into an “era of application”. He called in particular for the establishment of a systematic, coordinated monitoring and reporting mechanism to provide reliable reports on violations against children, which could serve as “triggers for action”. He stated that, in this regard, the Council must lead the way and was the most important destination for action because of its primary responsibility for peace and security. He stressed that, in the annexes to the Secretary-General’s report which listed parties to conflicts that continued to recruit and exploit children, the Council had before it all information necessary for action and urged the Council to respond to the lists with concrete action. This required, besides increased political and material support for field programmes, that the protection and rehabilitation of children be systematically incorporated into all stages of peace processes, and that the United Nations cooperate with regional and subregional organizations, as well as local efforts, to strengthen their advocacy and programme activities.³

The Executive Director of UNICEF explained why the United Nations efforts so far had fallen short of what was required to protect children. She reported that rights of children were not only violated by recruiting child soldiers but that sexual violence, particularly in the Democratic Republic of the Congo, had a devastating impact. UNICEF was working with various partners to provide care and support for survivors of sexual violence and to demobilize child soldiers. With regard to engaging in dialogue with groups and Governments using child soldiers, the Secretary-General’s lists of parties to conflicts that continue to recruit and exploit children as child soldiers had been a valuable advocacy tool. She also drew attention to a new tool, the *Guide to the Optional Protocol on the involvement of children in armed conflict*, issued that day, which had been prepared jointly by UNICEF and the Coalition to Stop the Use of Child Soldiers. Noting that improving monitoring and reporting would create an essential foundation for pursuing justice, accountability and ultimately reconciliation, the Executive Director considered the

³ S/PV.4898, pp. 2-4.

Secretary-General’s lists to be a vital step forward and affirmed that UNICEF, together with its partner agencies, stood ready to provide the Council with more systematic, analytical information on children in armed conflict. She also encouraged the Council to request regularly that information on child protection issues be included in all peacekeeping mandates, as well as country-specific and thematic reports.⁴

In the debate that followed, speakers welcomed the Secretary-General’s call for an “era of application” and his recommendations. Since efforts still fell short of what was needed and since there was no improvement on the ground, speakers in general made clear that implementation, not new norms, was needed. As summarized by the representative of the United Kingdom, the Council needed to establish a plan detailing practical steps to achieve measurable progress by the time the next report was written.⁵ In the words of the representative of Japan it was time to “move from advocacy to implementation”.⁶

Discussing concrete action for implementation, speakers broadly supported the creation of a monitoring and reporting mechanism. The representative of Chile recalled the proposal made in the context of implementation of resolution 1325 (2000) on women and peace and security, which suggested that every year a member of the Council be requested to monitor, together with the Secretariat, the implementation of Council decisions.⁷ The representative of Pakistan pointed out that such a mechanism should be of an intergovernmental nature and that, rather than creating a new mechanism, the existing mechanisms should be enforced.⁸

Speakers in general considered the lists provided in the annex to the Secretary-General’s report as capable of greatly improving the situation. The representative of Brazil stated that the lists must be made as precise as possible through continuous updating and refinement. This entailed the creation of institutional mechanisms capable of leading the process of engagement with the parties responsible for the involvement of children in armed conflict. Those mechanisms should also be reporting mechanisms and consist of members of the

⁴ Ibid., pp. 4-7.

⁵ Ibid., p. 22.

⁶ S/PV.4898 (Resumption 1), p. 17.

⁷ S/PV.4898, p. 26.

⁸ Ibid., p. 16.

Special Representative's office, UNICEF and other field presences and child protection advisers.⁹ The representative of Norway also called for updating and refinement.¹⁰ The representative of Fiji noted that the lists needed to reflect yearly feedback from the parties listed.¹¹ The representative of the United States supported the request that the Secretary-General submit another list to the Council the following year and supported the active monitoring of Governments and armed groups that already were on the lists.¹² The representative of Spain cautioned that criteria for the inclusion of groups in the lists must be studied in detail,¹³ and the representative of Egypt pointed out that the lists required further study in order to ascertain the way to deal with parties that violated the rights of children.¹⁴

A number of speakers were in favour of applying targeted sanctions with regard to parties that failed to adopt measures to end violations concerning children and armed conflict.¹⁵ Some speakers reiterated that such measures must rely on precise information and must be finely tuned.¹⁶ The representative of Germany suggested that parties that did respond positively should be rewarded by technical and other assistance.¹⁷ Several representatives maintained that sanctions would be effective only when complemented by parallel measures, such as increasing resources for disarmament, demobilization and reintegration programmes and monitoring mechanisms.¹⁸ The representative of Colombia, explaining that in his country most violations of children's rights were perpetrated by illegal armed groups that recruited child soldiers, requested that "gradual and targeted pressure" be exerted on those groups.¹⁹

⁹ Ibid., pp. 7-8.

¹⁰ S/PV.4898 (Resumption 1), p. 21.

¹¹ Ibid., p. 19.

¹² S/PV.4898, p. 18.

¹³ Ibid., p. 19.

¹⁴ S/PV.4898 (Resumption 1), p. 14.

¹⁵ S/PV.4898, p. 8 (Brazil); p. 9 (Algeria); and p. 26 (Chile); S/PV.4898 (Resumption 1), p. 5 (Ireland, on behalf of the European Union); p. 8 (Sierra Leone); p. 18 (Costa Rica); p. 19 (Fiji); p. 24 (Germany); and pp. 25-26 (Azerbaijan).

¹⁶ S/PV.4898, p. 8 (Brazil); and p. 17 (Philippines).

¹⁷ Ibid., p. 24.

¹⁸ S/PV.4898, p. 9 (Algeria); S/PV.4898 (Resumption 1), p. 8 (Sierra Leone); and p. 22 (Canada).

¹⁹ S/PV.4898, p. 28.

Representatives encouraged the integration of child rights protection into peacekeeping missions and making children's issues essential components of post-conflict programmes, peace negotiations and agreements or demobilization and reintegration plans.²⁰ Stating that there was no conflict that did not affect children, the representative of Germany called for examining every conflict on the Council's agenda from a child rights perspective.²¹

While the issue of child soldiers was at the centre of the debate, some speakers reminded the Council that other egregious violations and abuses in conflict situations must also be addressed, specifically referring to sexual violence and killing and maiming, kidnapping or attacks against schools and hospitals.²² Some speakers therefore justified the extension of the list to other egregious violations.²³ Others emphasized that the proliferation of small arms and light weapons had aggravated the use of children in armed conflict.²⁴

As his country was among those listed in an annex to the Secretary-General's report, the representative of Colombia informed the Council of the positive results of his Government's "democratic security policy" to protect the human rights of all Colombians, particularly children.²⁵ The representative of Myanmar, affirming that procedures were in place in his country for preventing the recruitment of child soldiers, disputed allegations made against the Myanmar army in the Secretary-General's report, stating that it was insurgent groups that were recruiting

²⁰ Ibid., p. 9 (Algeria); p. 11 (Benin); p. 12 (Angola); p. 17 (Philippines); p. 19 (Spain); p. 22 (United Kingdom); and p. 30 (Ukraine); S/PV.4898 (Resumption 1), p. 4 (Bangladesh); pp. 7-8 (Sierra Leone); p. 6 (Ireland, on behalf of the European Union); p. 14 (Egypt); p. 18 (Costa Rica); p. 21 (Norway); p. 26 (Indonesia); and p. 29 (Armenia).

²¹ S/PV.4898, p. 24.

²² Ibid., p. 15 (Pakistan); p. 21 (France); p. 24 (Germany); and p. 26 (Chile); S/PV.4898 (Resumption 1), p. 15 (Mali, on behalf of the Human Security Network); p. 17 (Costa Rica); p. 21 (Norway); p. 22 (Canada); and p. 31 (Kenya).

²³ S/PV.4898, p. 24 (Germany); and p. 26 (Chile); S/PV.4898 (Resumption 1), p. 21 (Norway); and p. 31 (Kenya).

²⁴ S/PV.4898, p. 10 (Benin); S/PV.4898 (Resumption 1), p. 7 (Sierra Leone); p. 11 (India); p. 20 (Ecuador); p. 21 (Norway); p. 22 (Canada); p. 24 (Mexico); and p. 31 (Kenya).

²⁵ S/PV.4898, p. 28.

child soldiers.²⁶ The representative of Uganda, stating that the policy not to recruit anyone under the age of 18 into its armed forces was strictly observed, expressed its outrage about allegations against the Uganda People's Defence Forces and alleged that the Special Representative of the Secretary-General for Children and Armed Conflict had a "hostile attitude", relying on hearsay information.²⁷ The representative of India questioned the usefulness of the Council's debate on the issue of children and armed conflict while the Council did not discuss the vulnerability of children with regard to other issues such as malaria or AIDS. He emphasized that in the Convention on the Rights of the Child and other relevant norms no role was envisaged for the Council in promoting their implementation. He also was against the inclusion of child protection advisers in peacekeeping operations since an assessment of their work undertaken so far was missing. He was hesitant about establishing a monitoring and reporting mechanism since such a new mechanism could duplicate and overlap with existing mechanisms. He stated that "by taking a continuously expansionist role for itself", the Council would overlap its functioning with that of other mandated United Nations bodies.²⁸ The representative of Liechtenstein, on the other hand, pointed out that it was exactly the Council that, given its primary role in the area of international peace and security, had a special responsibility for setting up an effective system of monitoring and follow-up action by coordinating all players at Headquarters and in the field.²⁹

Some speakers voiced the need for training of peacekeeping personnel in child protection in order to prevent sexual violence against children practised by peacekeeping personnel.³⁰

**Decision of 22 April 2004 (4948th meeting):
resolution 1539 (2004)**

At its 4948th meeting, on 22 April 2004, the Council included again in its agenda the report of the Secretary-General on children and armed conflict.³¹ The President (Germany) drew attention to a draft

resolution;³² it was adopted unanimously and without debate as resolution 1539 (2004), by which the Council, *inter alia*:

Strongly condemned the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them;

Decided to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including, on a case-by-case basis, the deployment of child protection advisers, and requested the Secretary-General to ensure that the need for and the number and roles of child protection advisers were systematically assessed during the preparation for each United Nations peacekeeping operation;

Reiterated its request to the Secretary-General to ensure that, in all his reports on country-specific situations, the protection of children was included as a specific aspect of the report, and expressed its intention to give its full attention to the information provided therein when dealing with those situations on its agenda, and in this regard stressed the primary responsibility of United Nations peacekeeping missions and United Nations country teams, consistent within their respective mandates, to ensure effective follow-up to the resolution and other resolutions.

**Decision of 23 February 2005 (5129th meeting):
statement by the President**

On 9 February 2005, the Secretary-General submitted a report on children and armed conflict,³³ in which he provided information on compliance and progress in ending the recruitment and use of children in armed conflict by those parties mentioned in his earlier report,³⁴ including information on other grave violations and abuses according to paragraph 15 (a) of resolution 1539 (2004). He recommended that the Security Council take targeted and concrete measures where insufficient or no progress had been made by parties named in the lists annexed to his reports, in accordance with its resolutions 1379 (2001), 1460 (2003) and 1539 (2004). Such measures should include the imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, the imposition of arms embargoes, a ban on military assistance and restrictions on the flow of financial resources to the parties concerned. Furthermore, in response to the request of the Council in paragraph 2 of resolution 1539 (2004), the report

²⁶ *Ibid.*, pp. 28-29.

²⁷ S/PV.4898 (Resumption 1), pp. 9-10.

²⁸ *Ibid.*, pp. 10-12.

²⁹ *Ibid.*, p. 28.

³⁰ S/PV.4898, pp. 13-14 (Russian Federation); p. 14 (Romania); S/PV.4898 (Resumption 1), p. 27 (Indonesia).

³¹ S/2003/1053 and Corr.1 and 2.

³² S/2004/314.

³³ S/2005/72, submitted pursuant to resolution 1539 (2004).

³⁴ S/2003/1053 and Corr.1 and 2.

contained an action plan for a systematic and comprehensive monitoring, reporting and compliance mechanism.

At its 5129th meeting, on 23 February 2005, the Council included in its agenda the above-mentioned report.³⁵ The Council heard briefings by the Special Representative of the Secretary-General for Children and Armed Conflict, the Deputy Executive Director of UNICEF and the Special Adviser on Child Protection to the Executive Secretary of the Economic Community of West African States (ECOWAS). Statements were made by all members of the Council,³⁵ as well as by the representatives of Canada, Gabon, Guinea, Iceland, India, Indonesia, Iraq, Liechtenstein, Luxembourg (on behalf of the European Union),³⁶ Mali, Myanmar, the Niger, Nigeria, Norway, Senegal, Sri Lanka and Uganda.

Introducing the report, the Special Representative of the Secretary-General stated that, following the adoption of resolution 1539 (2004), the heads of United Nations field teams had monitored its implementation and coordinated the United Nations response to concerns related to the issue of children and armed conflict. The field teams had, therefore, been the primary sources of information for the present report. He noted, however, that they had encountered a number of constraints including security problems, lack of access, non-cooperation of the parties and, most significantly, the absence of a functioning monitoring and reporting mechanism at the country level. He considered the present report as “turning point” in the campaign for the “era of application”, instituting a structured “compliance and enforcement regime” consisting of the following key components: review of the conduct of parties to conflict, resulting in the naming and listing of offending parties; ensuring accountability for those offending parties, particularly through the imposition of concrete and targeted measures; and the establishment of a monitoring and reporting mechanism. The Special Representative informed the Council that 54 parties had been held responsible for the recruitment and use of child

soldiers in the report. He encouraged Council members to “make good” on their promise to take targeted measures against them, including the imposition of travel restrictions and arms embargoes. He proposed a “four-pronged” response to ending impunity, through, first, the imposition of targeted sanctions; secondly, the establishment of a committee of the Council to review and oversee the imposition of specific measures; thirdly, a demand that the parties prepare, in collaboration with United Nations field teams and within six months, time-bound action plans to end the violations; and fourthly, an endorsement of the monitoring and reporting mechanism to enable it to become operational quickly. On allegations of sexual exploitation and abuse by United Nations peacekeeping personnel, he called for a fundamental and comprehensive review. Regarding the monitoring and reporting mechanism, he pointed to the importance of the compilation of information as a trigger for action, and called upon the Security Council to be the primary “destination for action” in this regard.³⁷

The Deputy Executive Director of UNICEF emphasized the ability of the Council to take decisive action by translating the commitments of international legal and other standards into action and considered the targeted measures mentioned in the Secretary-General’s report to be helpful to the realization of that objective. She considered it crucial to better address accountability, and for that, the development of a monitoring and reporting mechanism was a significant step. Regarding the recruitment of children into the armed forces, she stated that disarmament, demobilization and reintegration was important to end their recruitment. She called for two immediate actions to be taken to ensure the protection of children whose rights had been violated, namely, the referral of the situation in Darfur to the International Criminal Court and the inclusion of child protection in all aspects of peacekeeping operations, including the operation to be established in Darfur.³⁸

The Special Adviser on Child Protection to the Executive Secretary of ECOWAS briefed the Council on the experiences of ECOWAS in the field of child protection. He noted that children continued to be used in armed conflict, including on the front lines. He stated that ECOWAS had adopted a number of

³⁵ The United Republic of Tanzania was represented by its Minister for Community Development, Gender and Children.

³⁶ Albania, Bosnia and Herzegovina, Bulgaria, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

³⁷ S/PV.5129, pp. 2-6.

³⁸ *Ibid.*, pp. 6-8.

instruments designed to ensure the protection of children and was giving training to its armed forces, as well as judges. In addition, ECOWAS was monitoring the welfare of children by visiting those who had returned to their families, as well as demobilization sites.³⁹

Speakers in general, while acknowledging the progress made in recent years in promoting the children and armed conflict agenda, particularly the adoption of clear and rigorous international child protection standards, underlined the need to move to the implementation of those standards. The measures needed to ensure the implementation of the legal framework already outlined by the Security Council, but awaited “activation”. The first of these, a monitoring, reporting and compliance mechanism, aimed at providing the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, was seen as crucial in making the “era of application” a reality. Speakers welcomed the Secretary-General’s plan of action for establishing such a mechanism, as requested in paragraph 2 of resolution 1539 (2004).

The representative of the United Republic of Tanzania, while welcoming the Secretary-General’s report, expressed concern regarding difficulties that might be encountered in the collection of information for monitoring and reporting purposes. She therefore saw a need for United Nations country teams to have a dialogue with concerned Governments on the need to provide information.⁴⁰ The representatives of the Philippines and Myanmar expressed concern about the Secretary-General’s suggestion that the practice of initiating direct contact by United Nations actors with non-State actors be generally applied as part of the mechanism at the country level because such engagement could undermine existing peace processes and be counter-productive.⁴¹ The representative of Japan emphasized that in the compilation of information and the assessment of the situation by the future mechanism, voices on the ground must be adequately reflected.⁴² The representative of the United States believed that “greater clarity and selectivity” was needed in the partnership that formed the basis of

country-level reporting in the proposed mechanism and which included national Governments, civil society and the United Nations.⁴³ The representative of Uganda called for rigorous and transparent consultations between the Secretary-General and Member States during the collection of information.⁴⁴

Stressing that the current situation was unacceptable, the representative of France considered targeted measures to be necessary but at the same time stressed that they should be part of a comprehensive mechanism of monitoring and reporting, consisting also of reintegration of child soldiers.⁴⁵ Along the same lines, the representative of the United Kingdom noted that monitoring and review was not an end in itself and that it must lead to effective action when progress was inadequate. Extracting compliance from parties to armed conflict would require the right institutional framework, as proposed in the Secretary-General’s report. He, together with other speakers,⁴⁶ also considered disarmament, demobilization and reintegration to be a vital element of post-conflict peacebuilding.⁴⁷

While the majority of speakers were strongly supportive of the use of targeted measures, some speakers expressed concern. The representative of the United States worried about the “possible unanticipated policy and resource implications” of a new thematic sanctions committee of the Council.⁴⁸ The representative of the Russian Federation emphasized the need to determine the legally correct interpretation of the mandate of the Special Representative of the Secretary-General, “to avoid any broadening of its interpretation”, and pointed to the need for appropriate coordination to avoid redundancies.⁴⁹ The representative of Canada called for the Secretary-General to encourage consolidated reporting and assessment requirements where overlap with the protection of civilians and the women and peace and security agenda was apparent.⁵⁰ The representative of Argentina urged the Council to be careful in defining the scope of implementation of the

³⁹ Ibid., pp. 8-11.

⁴⁰ Ibid., p. 11.

⁴¹ Ibid., p. 16 (Philippines); S/PV.5129 (Resumption 1), p. 6 (Myanmar).

⁴² S/PV.5129, p. 19.

⁴³ Ibid., p. 22.

⁴⁴ S/PV.5129 (Resumption 1), p. 17.

⁴⁵ S/PV.5129, p. 13.

⁴⁶ Ibid., p. 21 (Greece); and p. 23 (China); S/PV.5129 (Resumption 1), p. 18 (Guinea).

⁴⁷ S/PV.5129, p. 17.

⁴⁸ Ibid., p. 22.

⁴⁹ Ibid., pp. 24-25.

⁵⁰ S/PV.5129 (Resumption 1), p. 9.

proposed action plan since the categorization of violations that could be monitored might vary according to each particular situation. Furthermore, he called for a better coordination between the Council and the General Assembly and the Economic and Social Council: the General Assembly could consider the follow-up and the Economic and Social Council could hold high-level sessions on the issue of children and armed conflict.⁵¹

While supporting targeted measures against non-compliant parties, the representative of Canada suggested coupling those measures with the establishment of base indicators and standards.⁵²

The representative of India believed the establishment of a reporting mechanism was the least practical of all the key components that encompassed the Secretary-General's concept of the "era of application" since the nature of situations of conflict, particularly in Africa, was such that the models of monitoring, reporting and compliance were impractical and therefore ineffective. He criticized the fact that the report did not address the fundamental and critical issue of how to hold non-State actors accountable.⁵³

Addressing the issue of fighting impunity with regard to serious crimes against children, some speakers underlined the important role the International Criminal Court could play in bringing those in violation of international norms to justice.⁵⁴ The representative of Greece noted that the Rome Statute provided a clear legal basis for the Court's involvement, stipulating that use of children under 15 as soldiers constituted a war crime. Pointing out that States already had a complete set of the necessary legal and judicial tools at their disposal, he, together with the representative of Senegal,⁵⁵ urged States to become parties to and implement the provisions of the Optional Protocol to the Convention on the Rights of the Child.⁵⁶ With regard to legal standards, the representative of Benin supported a move to reclassify the use of child soldiers

from a war crime to a crime against humanity, and proposed the establishment of an open-ended working group of the General Assembly to that end.⁵⁷

Several speakers pointed to the linkage between illicit cross-border activities such as proliferation of small arms and the recruitment of children.⁵⁸ Some speakers emphasized the need also to address the so-called "supply-side" dimension of the child soldier issue, referring to the interlinkage between security and development and the importance of tackling the root causes of conflict.⁵⁹

With regard to the conflict situations referred to in the report, the concerned countries believed it could have given a more comprehensive account of all situations, the representative of Myanmar expressing dismay over the "high degree of selectivity and double standards" contained therein and regretting the "degree of politicization" involved in drafting the lists.⁶⁰ The representative of the Philippines believed that the lists of violating parties did not "seem to be as complete and accurate" as they should have been.⁶¹ The representative of Uganda objected to the "mischaracterization" contained in the report regarding his country.⁶²

The President then made a statement on behalf of the Council,⁶³ by which the Council, *inter alia*:

Reaffirmed its strong condemnation of the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them and of all other violations and abuses committed against children in situations of armed conflict;

Urged all parties to armed conflict to halt immediately such intolerable practices;

Reiterated the crucial need for a systematic and comprehensive monitoring and reporting mechanism, and its determination to ensure compliance and to put an end to impunity;

Further reiterated its intention to complete expeditiously the process of the establishment of the mechanism.

⁵¹ S/PV.5129, p. 27.

⁵² S/PV.5129 (Resumption 1), p. 9.

⁵³ *Ibid.*, pp. 10-12.

⁵⁴ S/PV.5129, p. 20 (Greece); p. 26 (Brazil); and p. 27 (Argentina); S/PV.5129 (Resumption 1), p. 3 (Luxembourg, on behalf of the European Union); p. 7 (Iceland); p. 10 (Liechtenstein); p. 14 (Senegal); and p. 23 (Mali).

⁵⁵ S/PV.5129 (Resumption 1), p. 14 (Senegal).

⁵⁶ S/PV.5129, p. 20.

⁵⁷ *Ibid.*, p. 29.

⁵⁸ *Ibid.*, p. 14 (France); and p. 17 (United Kingdom); S/PV.5129 (Resumption 1), p. 3 (Luxembourg, on behalf of the European Union); p. 5 (Nigeria); p. 9 (Canada); p. 11 (India); and p. 19 (Gabon).

⁵⁹ S/PV.5129, p. 23 (Denmark); and p. 28 (Algeria); S/PV.5129 (Resumption 1), pp. 4-5 (Nigeria).

⁶⁰ S/PV.5129 (Resumption 1), p. 6.

⁶¹ S/PV.5129, p. 15.

⁶² S/PV.5129 (Resumption 1), p. 16.

⁶³ S/PRST/2005/8.

**Decision of 26 July 2005 (5235th meeting):
resolution 1612 (2005)**

At its 5235th meeting, on 26 July 2005, the Council included again in its agenda the report of the Secretary-General on children and armed conflict.⁶⁴ The President (Greece) drew attention to a draft resolution;⁶⁵ it was adopted unanimously and without debate as resolution 1612 (2005), by which the Council, *inter alia*:

Strongly condemned the recruitment and use of child soldiers by parties to armed conflict;

Took note of the action plan presented by the Secretary-General relating to the establishment of a monitoring and reporting mechanism on children and armed conflict;

Requested the Secretary-General to implement, without delay, the above-mentioned monitoring and reporting mechanism, beginning with its application, within existing resources;

Expressed serious concern regarding the lack of progress in development and implementation of the action plans called for in paragraph 5 (a) of its resolution 1539 (2004);

Decided to establish a working group of the Security Council consisting of all members of the Council to review the reports of the mechanism referred to above;

Decided to continue the inclusion of specific provisions for the protection of children in the mandates of United Nations peacekeeping operations, including the deployment, on a case-by-case basis, of child protection advisers;

Urged all parties concerned, including Member States, United Nations entities and financial institutions, to support the development and strengthening of the capacities of national institutions and local civil society networks for the advocacy, protection and rehabilitation of children affected by armed conflict to ensure the sustainability of local child-protection initiatives.

**Decision of 24 July 2006 (5494th meeting):
statement by the President**

On 10 July 2006, the President of the Council transmitted a letter dated 10 July 2006 addressed to him by the Chairman of the Working Group of the Security Council on Children and Armed Conflict⁶⁶ and transmitting the report on the activities of the Group since the adoption of resolution 1612 (2005). The Working Group had begun its work with consideration of the Secretary-General's first report on

a specific situation of armed conflict on the agenda of the Security Council and in which grave violations of the rights of the child were committed, namely his report on children and armed conflict in the Democratic Republic of the Congo.⁶⁷ That report was presented to the Working Group by the Special Representative of the Secretary-General for Children and Armed Conflict, who noted its three main conclusions. First, it was the responsibility of all regional actors, including the neighbouring States, to bring the violations to an end; groups and individuals that totally disregarded Security Council decisions should be denied access to ways and means of continuing their crimes; their freedom of movement throughout Congolese territory and towards neighbouring countries such as Rwanda must be ended. Secondly, the Government of the Democratic Republic of the Congo must be supported in its efforts to discharge its obligation to protect children affected by the armed conflict, including against sexual violence; it must strengthen the military and civilian systems of justice and put an end to impunity. Thirdly, the international community must provide the resources needed to support the reintegration of children into their communities of origin.

At its 5494th meeting, on 24 July 2006, the Council included in its agenda a letter dated 6 July 2006 from the representative of France to the Secretary-General,⁶⁸ transmitting a concept paper to guide the discussion on children and armed conflict at that meeting.

The Council was briefed by the Special Representative of the Secretary-General for Children and Armed Conflict, the Executive Director of UNICEF, the Associate Administrator of the United Nations Development Programme (UNDP), the Acting Director for Social Development and Manager of the Conflict Prevention and Reconstruction Unit of the World Bank, and the representative of Watchlist on Children and Armed Conflict. Statements were made by all Council members and the representatives of Benin, Brazil, Canada, Colombia, the Democratic Republic of the Congo, Egypt, Finland (on behalf of

⁶⁴ S/2005/72.

⁶⁵ S/2005/477.

⁶⁶ S/2006/497.

⁶⁷ S/2006/389.

⁶⁸ S/2006/494.

the European Union),⁶⁹ Guatemala, Israel, Liberia, Myanmar, San Marino, Slovenia (on behalf of the Human Security Network), Sri Lanka, Uganda and Venezuela (Bolivarian Republic of), and the Permanent Observer of Palestine.⁷⁰

The Special Representative of the Secretary-General for Children and Armed Conflict welcomed the adoption of resolution 1612 (2005) as a landmark in the field of protection of children. However, she noted that despite the groundswell of support for the resolution, children continued to suffer. She said that more than 250,000 children continued to be exploited as child soldiers by armed forces and groups around the world, while since 2003 more than 14 million had been forcibly displaced within and outside their home countries and abductions were becoming more widespread and systematic. Noting that the first phase of the implementation of resolution 1612 (2005) was coming to an end, she stressed that it was time to broaden the geographical scope of the monitoring and reporting mechanism to all situations of concern. In addition, she called on the international community to begin looking at long-term solutions for children affected by armed conflict.⁷¹

The Executive Director of UNICEF reported that, despite the Council's active involvement in the issue over the years, much remained to be done. In addition to the need for an effective monitoring and reporting mechanism, she cited three areas of particular concern that were directly relevant to resolution 1612 (2005): the use of children by armed forces and groups, gender-based violence, and small arms and light weapons. She emphasized that comprehensive prevention, demobilization and reintegration needed to be comprehensive by also providing children with education and protection against persecution or exploitation.⁷²

The Associate Administrator of UNDP reported about initiatives undertaken by UNDP to encourage

young people to contribute to lasting peace through various projects of reintegration.⁷³

The Acting Director for Social Development and Manager of the Conflict Prevention and Reconstruction Unit of the World Bank stated that the World Bank, over the past 10 years, had considerably expanded its work on armed conflict. He reported about analytical work undertaken by the Bank, indicating that in recent studies it had sought to provide guidance on the demobilization and reintegration of child soldiers in Africa. He also discussed operations of the World Bank related to children in conflict and immediate post-conflict situations, such as in Côte d'Ivoire and the Democratic Republic of the Congo.⁷⁴

The representative of Watchlist on Children and Armed Conflict reported that in the eastern region of the Democratic Republic of the Congo grave violations of children's rights continued and were even intensifying. He stated that monitoring and reporting of abuses was an essential starting point for protection but that violations needed to be prosecuted by the Security Council and the United Nations system as a whole. He equally called on the Government of the Democratic Republic of the Congo to ensure implementation of the sanctions imposed by the Council.⁷⁵

Speakers in general pointed to the significance of resolution 1612 (2005) and stressed the importance of its timely implementation. They welcomed the establishment of the Working Group on Children and Armed Conflict, the appointment of the new Special Representative of the Secretary-General for Children and Armed Conflict and the ongoing implementation of the monitoring and reporting mechanism. As stated by the representative of the Russian Federation, it was now necessary to ensure the effective functioning of those combined instruments and to guarantee the reliability and integrity of the information being received by the Security Council through the multi-tier mechanism from elements of the reporting and monitoring mechanism on the ground.⁷⁶

The representative of Denmark emphasized that with the adoption of resolution 1612 (2005) the Council had managed to achieve what many had already discarded as impossible: to propel the subject

⁶⁹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

⁷⁰ The Democratic Republic of the Congo was represented by its Minister for Human Rights; the representative of India was invited to participate but did not make a statement.

⁷¹ S/PV.5494, pp. 2-4.

⁷² Ibid., pp. 4-5.

⁷³ Ibid., pp. 5-6.

⁷⁴ Ibid., pp. 7-8.

⁷⁵ S/PV.5494 (Resumption 1), pp. 15-16.

⁷⁶ S/PV.5494, p. 24.

of a thematic debate from an issue of general, if somewhat uncommitted concern to a matter with very concrete and operational implications for the work of the Security Council. She, together with the representative of Canada,⁷⁷ hoped that the determination the Council had shown on the topic would be present on other related issues, such as the protection of civilians and women and peace and security.⁷⁸ The representative of the Congo stated that the direct role of the Security Council in the area of the protection of children as part of its responsibility to maintain international peace and security was now well established.⁷⁹ The representative of San Marino, referring to Article 24 of the Charter of the United Nations, stated that he could not think of a more compelling duty for the Council.⁸⁰ On the other hand, the representative of Venezuela (Bolivarian Republic of) stressed that the work of the Council was complementary to the primary role of the General Assembly in the overall handling of the situation of children in the world.⁸¹

While the representative of the Russian Federation stressed that resolution 1612 (2005) provided for the priority establishment of the monitoring and reporting mechanism in situations on the Council's agenda,⁸² some speakers said that further extending the work of the mechanism to countries not on the Council's agenda should be considered.⁸³ With regard to the work of the Working Group, the representative of Sri Lanka called for it to put its primary focus on non-State actors, in order to ensure that States were not burdened with multiple reporting responsibilities and that non-State actors were brought under a punitive regime.⁸⁴ The representative of Egypt demanded that the Council immediately take a decision to broaden the scope of the work of the Working Group to include children in the occupied Palestinian territories and Lebanon.⁸⁵

A number of speakers called for an end to impunity for those who abused children.⁸⁶ The representatives of Argentina and Qatar urged the Working Group to work closely with the sanctions committees to consider the possibility of imposing sanctions against those responsible for the most flagrant violations against children.⁸⁷ The representative of Ghana stressed the need to "isolate and apply sanctions" against those who abused children, arguing that compilation of information would be of little relevance if it did not serve as a trigger for action.⁸⁸ The representative of Finland, speaking on behalf of the European Union, held that in order to end impunity, grave and persistent violations must lead to targeted and concrete measures in response.⁸⁹ According to the representative of France, the Council must be ready, as explicitly stated in its resolutions, to use the full arsenal of available measures to punish those who defied its authority by refusing to comply with its resolutions.⁹⁰ This was also encouraged by the representative of Canada.⁹¹ Some speakers furthermore emphasized the important role of the International Criminal Court in bringing abusers to justice.⁹²

Many speakers urged the Council to give special attention to affected children in disarmament, demobilization and reintegration programmes. A number of speakers stressed the importance of reunification of families, medical support, education and vocational training.⁹³ The representative of France pointed out that without reintegration, children were potential factors in the resurgence of crises.⁹⁴

⁷⁷ *Ibid.*, p. 30.

⁷⁸ *Ibid.*, p. 25.

⁷⁹ *Ibid.*, p. 27.

⁸⁰ S/PV.5494 (Resumption 1), pp. 3-4.

⁸¹ *Ibid.*, p. 5.

⁸² S/PV.5494, p. 24.

⁸³ *Ibid.*, p. 9 (Democratic Republic of the Congo); p. 12 (Slovakia); p. 14 (United Kingdom); p. 24 (Qatar); p. 26 (Denmark); S/PV.5494 (Resumption 1), p. 16 (Benin).

⁸⁴ S/PV.5494, p. 31.

⁸⁵ S/PV.5494 (Resumption 1), pp. 13-14.

⁸⁶ S/PV.5494, p. 16 (Peru); p. 17 (Ghana); p. 22 (Greece); p. 25 (Russian Federation); and p. 27 (Congo); S/PV.5494 (Resumption 1), p. 3 (San Marino); p. 4 (Slovenia, on behalf of the Human Security Network); p. 6 (Venezuela, Bolivarian Republic of); and p. 7 (Guatemala).

⁸⁷ S/PV.5494, p. 15 (Argentina); and p. 24 (Qatar).

⁸⁸ *Ibid.*, p. 17.

⁸⁹ *Ibid.*, p. 10.

⁹⁰ *Ibid.*, p. 29.

⁹¹ *Ibid.*, pp. 29-30.

⁹² *Ibid.*, p. 17 (Ghana); and p. 29 (Canada); S/PV.5494 (Resumption 1), p. 4 (Slovenia, on behalf of the Human Security Network); and p. 17 (Benin).

⁹³ S/PV.5494, p. 20 (China); p. 23 (Greece); p. 24 (Qatar); and p. 31 (Sri Lanka); S/PV.5494 (Resumption 1), p. 6 (Venezuela, Bolivarian Republic of); p. 7 (Guatemala); p. 12 (Liberia); and p. 14 (Colombia).

⁹⁴ S/PV.5494, p. 28.

Some speakers reiterated the importance of development in addressing the question of war-affected children,⁹⁵ the representative of Brazil calling for a comprehensive approach encompassing social, economic, security and human rights perspectives.⁹⁶ The role of conflict prevention in this context was emphasized by several speakers.⁹⁷

The representative of the Democratic Republic of the Congo stated that the latest report of the Secretary-General on children and armed conflict in her country⁹⁸ objectively described the situation there, and pointed out that the violations highlighted in the report were mainly perpetrated by elements of armed groups. She reported on progress that the Government had made in the fight against the use of children in armed conflict.⁹⁹

The President made a statement on behalf of the Council,¹⁰⁰ by which the Council, *inter alia*:

Welcomed the appointment of a new Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy;

Welcomed the ongoing implementation of the monitoring and reporting mechanism on children and armed conflict, and invited the Secretary-General to accelerate it in accordance with resolution 1612 (2005);

Welcomed the activities of its Working Group on Children and Armed Conflict, as outlined in the report submitted by its Chairman;

Called for a reinvigorated effort by the international community to enhance the protection of children affected by armed conflict;

Looked forward to the next report of the Secretary-General on the implementation of resolution 1612 (2005) and its previous resolutions on children affected by armed conflict.

Decision of 28 November 2006 (5573rd meeting): statement by the President

On 26 October 2006, the Secretary-General submitted a report on children and armed conflict,¹⁰¹ in

⁹⁵ S/PV.5494 (Resumption 1), p. 6 (Venezuela, Bolivarian Republic of); and p. 17 (Benin).

⁹⁶ *Ibid.*, p. 10.

⁹⁷ S/PV.5494, p. 8 (Democratic Republic of the Congo); p. 20 (China); p. 29 (France); S/PV.5494 (Resumption 1), p. 12 (Myanmar); p. 14 (Colombia); and p. 17 (Benin).

⁹⁸ S/2006/389.

⁹⁹ S/PV.5494, pp. 8-10.

¹⁰⁰ S/PRST/2005/33.

¹⁰¹ S/2006/826 and Corr.1, submitted pursuant to resolution 1612 (2005).

which he, *inter alia*, reported on progress made in the implementation of the monitoring and reporting mechanism and progress made in the development and implementation of action plans called for in paragraph 5 (a) of resolution 1539 (2004). The report contained a number of recommendations, *inter alia*, that the Council consider expanding its focus and give equal care and attention to children affected by armed conflict in all situations of concern; and give equal weight to all categories of grave violations beyond the recruitment and use of child soldiers to include the killing and maiming of children, rape and other grave sexual violence, abductions, attacks against schools or hospitals, and denial of humanitarian access for children.

At its 5573rd meeting, on 28 November 2006, the Council included in its agenda the above-mentioned report. It heard briefings by the Secretary-General, the Special Representative of the Secretary-General for Children and Armed Conflict, the Executive Director of UNICEF and the representative of Save the Children. Statements were made by all members of the Council as well as by the representatives of Australia, Bangladesh, Benin, Brazil, Canada, Colombia, Egypt, Finland (on behalf of the European Union),¹⁰² Guatemala, Honduras, Indonesia, Iraq, Israel, Lebanon, Liechtenstein, Myanmar, Nepal, New Zealand, Norway, Slovenia, South Africa, Sri Lanka, Thailand and Uganda.¹⁰³

The Secretary-General stated that the protection of children in armed conflict, while remaining among his main priorities, had gained greater visibility since 1998. Important gains had been made in the elaboration of international legal standards, and the Council had played a crucial role in that progress by highlighting the six categories of grave violations against children. With these legal standards in place, the Secretary-General noted that now the international community was shifting its focus to providing real protection to children, including targeted measures against offenders. He urged the international community to sustain the political and practical momentum and hoped that the Council would

¹⁰² Albania, Bulgaria, Croatia, Iceland, Montenegro, Romania, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine also aligned themselves with the statement.

¹⁰³ The representative of Afghanistan was invited to participate but did not make a statement.

consolidate the gains that had been made and would move forward to cover all situations of concern and all grave violations.¹⁰⁴

The Special Representative of the Secretary-General for Children and Armed Conflict reported a number of successes since the last report of the Secretary-General, including the fact that peace agreements signed over the past years had included provisions for child protection and frameworks for child demobilization. Still, she acknowledged that implementation on the ground was not satisfactory and that the issue needed proper mainstreaming within the United Nations system. She called for expanding the focus to all situations of armed conflict so that there was equal treatment of children regardless of where they lived. She considered several grave violations to be of particular concern, including sexual violence as an instrument of war and the migration of child soldiers and their “recycling” within conflict zones.¹⁰⁵

The Executive Director of UNICEF stated that, by naming the parties that continued to recruit or use child soldiers, the Security Council had demonstrated its determination to match words with deeds. She remained deeply concerned about the ongoing conflicts in several countries highlighted in the recent report of the Secretary-General, in particular referring to the occupied Palestinian territories, Chad and the Democratic Republic of the Congo. She reported that UNICEF, working closely with many partners, continued to negotiate for humanitarian access and to engage in dialogue with parties to end the recruitment and use of children associated with fighting forces. She furthermore emphasized the major role of education, pointing out that experience in countries where demobilization exercises and justice-sector reforms had neglected to include children had shown a negative effect on young people themselves, and could also undermine the peacebuilding effort.¹⁰⁶

The representative of Save the Children also pointed to the importance of education, which should be funded and programmed as part of every humanitarian response. More generally, he stated that three themes had been neglected in international responses: stronger pressure for humanitarian access; special attention to girls; and better response to reports

of violations against children. He said that with the knowledge gained through the monitoring and reporting mechanism came increased responsibility and that appropriate and concrete responses to the reports should be the next step.¹⁰⁷

Speakers welcomed the progress made in implementing resolution 1612 (2005), particularly the work of the monitoring and reporting mechanism and the Working Group, as well as the advances in formulating time-bound country-specific action plans. At the same time, they expressed concern at the continuing recruitment and use of children by parties to armed conflict and agreed that a great deal remained to be done.

The representative of France said that since 1999 no other thematic issue on the Council’s agenda had been the subject of such sustained and operational attention. Summarizing the existing tools, he stated that these were initial encouraging signs that should motivate States to redouble their efforts to narrow the gap “between our actions here and the concrete results of those actions in conflict situations”.¹⁰⁸

Speakers in general expressed support for the recommendations contained in the Secretary-General’s report. Specifically, the majority of speakers supported expanding the Council’s focus to all categories of grave violations against children, including killing and maiming of children, rape and other sexual violence, abductions, denial of humanitarian access to children, and attacks against schools and hospitals.

A number of speakers said that equal attention and weight should be given to all situations of concern, the representative of Denmark stressing that the scope of both the monitoring and reporting mechanism and the Working Group must, as envisaged in resolution 1612 (2005), be “truly thematic in nature”.¹⁰⁹ However, other speakers believed that the Council should remain focused on the situations on its agenda.¹¹⁰ The representative of China stated that the

¹⁰⁴ S/PV.5573, pp. 2-3.

¹⁰⁵ Ibid., pp. 3-5.

¹⁰⁶ Ibid., pp. 5-7.

¹⁰⁷ Ibid., pp. 7-8.

¹⁰⁸ Ibid., pp. 8-10.

¹⁰⁹ Ibid., p. 14 (Denmark); p. 18 (Argentina); pp. 20-21 (Congo); p. 24 (United Republic of Tanzania); p. 27 (Liechtenstein); p. 28 (Finland, on behalf of the European Union); S/PV.5573 (Resumption 1), pp. 7-8 (Slovenia, on behalf of the Human Security Network); and p. 12 (Canada).

¹¹⁰ S/PV.5573, p. 12 (China); S/PV.5573 (Resumption 1), pp. 3-4 (Colombia); and p. 10 (Sri Lanka).

Council should follow a different approach in dealing with the situations on its agenda and those that were not, since they were “essentially different” from each other. The Council should try to allay the concerns of countries not on the agenda by engaging them in dialogue and cooperation.¹¹¹ The representative of the Russian Federation considered it necessary to clarify whether the report’s recommendations applied to the annexed lists only, or also to all conflict situations worldwide.¹¹² The representatives of Sri Lanka and Nepal were of the view that certain recommendations could be ideally taken up by other bodies and mechanisms of the United Nations, not by the Council itself.¹¹³ The representative of Uganda stated that the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict should not extend beyond situations that appeared on the agenda of the Council.¹¹⁴

Many speakers stressed that the Council must take action against parties that continued to violate children’s rights and hold them accountable if violations did not stop. To that end, several speakers called for applying targeted sanctions.¹¹⁵ At the same time, the representative of China reiterated however that China had always advised against the frequent resort to sanctions or threats of sanctions by the Security Council, and considered caution to be especially necessary with regard to the question of children and armed conflict. Since every conflict situation was different, there could be no generalizations or one-size-fits-all approach.¹¹⁶

¹¹¹ S/PV.5573, p. 12.

¹¹² *Ibid.*, p. 23.

¹¹³ S/PV.5573 (Resumption 1), p. 9 (Sri Lanka); and p. 16 (Nepal).

¹¹⁴ *Ibid.*, p. 4.

¹¹⁵ *Ibid.*, p. 17 (Slovakia); p. 19 (Argentina); p. 20 (Congo); p. 24 (United Republic of Tanzania); p. 25 (United Kingdom); p. 27 (Liechtenstein); and p. 29 (Finland, on behalf of the European Union); S/PV.5573 (Resumption 1), p. 11 (Canada).

¹¹⁶ S/PV.5573, p. 12.

The representative of Greece said that by adopting six resolutions since 1999, the Council had contributed to the international recognition of the responsibility to protect the human rights of children in armed conflict.¹¹⁷ As to covering all situations of concern and other types of violations than the recruiting of child soldiers, the representative of the Congo referred to the responsibility to protect.¹¹⁸

A number of delegations reiterated the importance of taking into account the interlinkage between security and development when dealing with the issue.¹¹⁹

The President then made a statement on behalf of the Council,¹²⁰ by which the Council, *inter alia*:

Commended the work carried out by the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy, including her field activities in situations of armed conflict;

Also commended the work carried out by UNICEF and the child protection advisers of peacekeeping operations in cooperation with other relevant United Nations entities;

Strongly condemned the continuing recruitment and use of children in armed conflict in violation of applicable international law, the killing and maiming of children, rape and other sexual violence, abductions, the denial of humanitarian access to children and attacks against schools and hospitals by parties to armed conflict;

Reiterated its primary responsibility for the maintenance of international peace and security;

Reiterated its invitation to relevant States affected by armed conflict that were not yet involved in the implementation of the monitoring and reporting mechanism to join it on a voluntary basis, in cooperation with the Special Representative and UNICEF.

¹¹⁷ *Ibid.*, p. 10.

¹¹⁸ *Ibid.*, p. 21.

¹¹⁹ *Ibid.*, p. 10 (France); p. 11 (China); and p. 14 (Denmark).

¹²⁰ S/PRST/2006/48.

38. Threats to international peace and security caused by terrorist acts

Deliberations of 12 January 2004 (4892nd meeting)

At its 4892nd meeting, on 12 January 2004, the Security Council heard a briefing by the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. Statements were made by most members of the Council¹ and the representatives of Indonesia, Ireland (on behalf of the European Union),² Japan, Liechtenstein, Switzerland and the Syrian Arab Republic.

The President (Chile) drew the attention of Council members to a letter dated 1 December 2003 from the Chairman of the Committee established pursuant to resolution 1267 (1999), transmitting the second report of the Monitoring Group established pursuant to resolution 1363 (2001) and extended by resolutions 1390 (2002) and 1455 (2003).³ The report provided an in-depth analysis of specific problems associated with the implementation by States of sanctions measures against Al-Qaida, the Taliban and individuals and entities associated with them and contained an assessment of the reports submitted by States. The Monitoring Group observed that Al-Qaida ideology continued to spread and be a threat to international peace and security, for instance in Iraq, and drew attention to the risk of its members acquiring weapons of mass destruction. Regarding the asset freeze, the Monitoring Group reported that progress had been made towards cutting off Al-Qaida financing but that controlling charities used for the purpose of supporting terrorism was proving extremely difficult; other areas which needed improvement were the provision by States of names of individuals and entities

to be put on the Consolidated List, the implementation of the travel ban and the monitoring of and reporting on the implementation of the arms embargo. Based on the review of the implementation of the measures, the Monitoring Group concluded that without a tougher and more comprehensive resolution which obligated States to take the mandated measures, the role played by the United Nations in the battle risked becoming marginalized. The Monitoring Group therefore provided a list of recommendations for improvement.

In his briefing, the Chairman of the Committee described the visits carried out by the Monitoring Group by himself to selected countries as an important part of establishing a dialogue to raise mutual understanding between the Committee and States in implementing the measures. He pointed out serious reservations expressed by some European States during his visit regarding the topics of defining and freezing non-financial and other economic resources pursuant to the resolution, the challenges posed in implementing the travel ban and concerns regarding the Committee's Consolidated List, human rights and due process and hoped that the Council might take those concerns into account in preparing future resolutions. He stated that his visits had helped to foster commitments made by several States to submit additional information, including updated country reports and names for inclusion in the Consolidated List.

The Chairman of the Committee also reported that the freezing of assets other than bank accounts needed improvement. A more proactive approach in locating and freezing such assets and the establishment of the needed legal provisions by, for instance, promoting the universal ratification of the International Convention for the Suppression of the Financing of Terrorism might be useful. He also called for renewed efforts to cut the growing links between drug trafficking and terrorist financing. He further opined that only enhanced quality and credibility of the Consolidated List and increased technical capacity of States could lead to implementing the travel ban more effectively. He underlined that the arms embargo was the measure most difficult to implement because of differing interpretations of its scope, and stressed the need for defining the arms embargo in a more specific and targeted way.

¹ The representative of Chile briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his capacity as national representative.

² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

³ S/2003/1070, submitted pursuant to paragraph 13 of resolution 1455 (2003).

While stating that a total of 93 reports had been submitted under resolution 1455 (2003), he emphasized that 98 States — 51 per cent — had not submitted a report. The fact that reports had been submitted by fewer than half of the Member States had seriously hampered the Committee in accomplishing its task of carrying out the requested assessments. The Committee remained determined to complete the assessment and intended to analyse and address the reasons why some States had not submitted reports. He also expressed the view that such States needed to be identified as States having failed to comply with Security Council resolutions.⁴

In their statements, speakers welcomed the work undertaken by the Committee and commended the visits it had carried out. They also pointed out the role of the United Nations sanctions regime against Al-Qaida and the Taliban as the main tool in combating terrorism. A number of speakers stressed the need for continuous improvement of the sanctions regime and looked forward to the adoption of a new resolution.⁵

The representative of Spain stressed that with the year 2004 a new phase had begun in which greater effect would be given to the asset freeze, the travel ban and the arms embargo imposed on individuals and entities linked to Al-Qaida and the Taliban. Those measures must be refined and the Consolidated List must continue to be improved.⁶

The representative of the United States called for the future work of the Committee to become more focused, emphasizing the necessity to explore key issues and examine Al-Qaida hotspots in more detail as some States and some issues warranted close Committee attention.⁷ Similarly, the representative of the Russian Federation advocated a greater use of targeted and selective approaches in determining countries whose efforts in implementing sanctions required careful study, while such an approach should be impartial and objective. According to the representative of Pakistan, the Committee should continue to operate within its mandate to ensure States'

compliance with relevant resolutions in order to maintain its credibility and legitimacy.⁸

While speakers agreed on the utility of the Consolidated List, some underlined that States should be encouraged to submit names and relevant information in order to make the List more operable and comprehensive.⁹ The representative of the United Kingdom encouraged the Committee to make it clear that there was no stigma attached to acknowledging the existence of Al-Qaida or the Taliban in the territory of a given country and that rather such acknowledgement would be a sign of the State's seriousness about its commitment to fight terrorism.¹⁰ Others stressed the need for improving the listing and delisting process.¹¹

Speakers in general emphasized that strengthened international cooperation was necessary, first and foremost by Member States. Some also supported further cooperation and coordination between the Committee and the Counter-Terrorism Committee,¹² INTERPOL¹³ or regional organizations.¹⁴

With regard to the cooperation between States and the Committee, many speakers deplored the reporting failures and several speakers called for a more proactive approach by the Committee to provide technical assistance to States that had not implemented sanctions and fulfilled their reporting duties¹⁵ and to analyse the reasons behind their non-compliance.¹⁶ The representative of Ireland, speaking on behalf of the European Union, reminded the Council that resolution 1455 (2003) requesting the reports from States had been adopted under Chapter VII of the Charter of the United Nations and therefore was mandatory and

⁴ S/PV.4892, pp. 2-7.

⁵ Ibid., p. 10 (France, China); p. 12 (Algeria); p. 13 (Spain); p. 14 (United Kingdom, Brazil); p.17 (Russian Federation); and p. 23 (Ireland, on behalf of the European Union).

⁶ Ibid., pp. 12-13.

⁷ Ibid., pp. 7-8.

⁸ Ibid., p. 18.

⁹ Ibid., p. 11 (China, Algeria); and pp. 13-14 (United Kingdom).

¹⁰ Ibid., pp. 13-14.

¹¹ Ibid., p. 18 (Pakistan); and p. 28 (Switzerland).

¹² Ibid., p. 11 (China); p. 12 (Algeria); p. 13 (Spain); p. 15 (Brazil); p. 19 (Benin); and pp. 28-29 (Syrian Arab Republic).

¹³ Ibid., p. 12 (Algeria); p. 13 (United Kingdom); and p. 15 (Brazil).

¹⁴ Ibid., p. 11 (China); p. 12 (Algeria); p. 13 (United Kingdom); p. 19 (Angola); p. 21 (Romania); and p. 22 (Indonesia).

¹⁵ Ibid., p. 10 (France); p. 10 (China); p. 13 (United Kingdom); and p. 16 (Philippines).

¹⁶ Ibid., p. 12 (Algeria); p. 14 (Brazil); and p. 19 (Angola).

obligated all States to implement the measures set forth therein.¹⁷

In addition, several speakers reiterated the importance of respect for human rights and the rule of law while combating terrorism¹⁸ and underlined that introducing elements of due process in the sanctions regime would increase its credibility and effectiveness.¹⁹ The representative of Brazil referred to the importance of ensuring that measures adopted to fight terrorism were in conformity with international law and with the commitments undertaken by Member States in that regard.²⁰ Other speakers also touched upon, *inter alia*, the need for addressing the root causes of terrorism²¹ and called for greater transparency in the working methods of the Monitoring Group.²²

**Decision of 30 January 2004 (4908th meeting):
resolution 1526 (2004)**

At the 4908th meeting, on 30 January 2004, the President (Chile) drew the attention of the Council to a draft resolution;²³ it was put to the vote and adopted unanimously and without debate as resolution 1526 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to improve the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002);

Decided also to strengthen the mandate of the Committee established pursuant to resolution 1267 (1999);

Decided further that the measures referred to above would be further improved in 18 months, or sooner if necessary;

Decided to establish for a period of 18 months an Analytical Support and Sanctions Monitoring Team with the responsibilities enumerated in the annex to the resolution;

Requested the Secretary-General to appoint eight members of the Monitoring Team;

Requested the Monitoring Team to submit three comprehensive reports to the Committee, by 31 July 2004, 15 December 2004 and 30 June 2005;

Requested the Committee, through its Chairman, to report orally to the Council in detail at least every 120 days on the overall work of the Committee.

Deliberations of 4 March 2004 (4921st meeting)

At its 4921st meeting, on 4 March 2004, the Council included in its agenda a letter dated 19 February 2004 from the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Counter-Terrorism Committee) to the President of the Council,²⁴ transmitting the report of the Committee on its revitalization.

The Council heard a briefing by the Chairman of the Committee, following which statements were made by all members of the Council and the representatives of Argentina (on behalf of the Rio Group), Belarus, Cameroon, Canada, Costa Rica, Cuba, Egypt, India, Indonesia, Ireland (on behalf of the European Union),²⁵ Israel, Japan, Kazakhstan, Liechtenstein, Mexico, New Zealand (on behalf of the Pacific Islands Forum), the Republic of Korea, South Africa, Switzerland, the Syrian Arab Republic and Ukraine.

In his briefing, the Chairman of the Committee informed the Council about the work undertaken the previous three months, presented the work plan for the upcoming three months²⁶ and commented on the Committee's report on its revitalization. Given that terrorism was one of the major threats to international peace and security and given that the United Nations must continue to play the lead role in the fight against that threat, he explained that the goal of the revitalization of the Committee was to become more operational, more proactive and more visible. In order to reach those goals, it was necessary to strengthen, *inter alia*, the monitoring of the implementation of all aspects of resolution 1373 (2001) through dialogue on the basis of cooperation, transparency and even-

¹⁷ *Ibid.*, p. 24.

¹⁸ *Ibid.*, p. 14 (Brazil); p. 23 (Ireland, on behalf of the European Union); p. 25 (Liechtenstein); and pp. 27-28 (Switzerland).

¹⁹ *Ibid.*, pp. 8-9 (Germany).

²⁰ *Ibid.*, pp. 14-15.

²¹ *Ibid.*, p. 12 (Algeria); p. 15 (Brazil); p. 18 (Pakistan); and p. 20 (Benin).

²² *Ibid.*, p. 24 (Ireland, on behalf of the European Union); p. 25 (Liechtenstein); and p. 27 (Switzerland).

²³ S/2004/79.

²⁴ S/2004/124.

²⁵ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

²⁶ S/2004/32.

handedness, the facilitation of technical assistance to States and contacts and coordination with other United Nations bodies and among international and regional organizations. This should be done by adding to the current structure of the Committee an executive directorate under which the current experts and Secretariat personnel would be reorganized. He elaborated that the directorate would be the executive branch of the Committee and part of the Secretariat; that it would not set a precedent for other bodies of the Council and would not have a permanent structure since a sunset clause for 31 December 2007 should be established. He also stated that, to implement the revitalization, a Council resolution would be required which would not modify resolution 1373 (2001) or other relevant resolutions.²⁷

In their statements, speakers reflected on the work undertaken by the Committee so far and the road ahead, including the proposal on its revitalization. They welcomed the proposal and agreed that there was a need for the Committee to develop further, having regard to the interconnected and transnational threats of terrorism which required a multilateral response by the United Nations.

The representative of Algeria considered it urgent to “debureaucratize” the Committee’s structure in order to give it more flexibility when carrying out its work.²⁸ Several other speakers opined that the revitalization would enhance the Committee’s ability to fulfil its mandate, including monitoring of implementation of resolution 1373 (2001).²⁹ Some speakers said that the revitalization proposal did not modify resolution 1373 (2001) or the mandate of the Committee, as defined by that resolution.³⁰

With regard to the relationship between the proposed directorate and the Committee, the representative of the United Kingdom stated that the former would offer guidance and help to implement the Committee’s wishes. He explained that the directorate would be responsible to the Committee, while the

Committee would direct the work of the directorate.³¹ The representative of China shared a similar understanding.³²

Several delegations held that the creation of an executive directorate would not set a precedent and welcomed the fact that it was intended to be limited in time.³³ The representative of Mexico asked, given the administrative nature of the revitalization of the Committee, if a resolution on the topic needed to be adopted under Chapter VII of the Charter.³⁴

Most speakers also stressed the importance of coordination and cooperation with relevant international, regional or subregional organizations as well as specialized bodies such as the United Nations Office on Drugs and Crime. In the words of the representative of Switzerland, there was a need for synergy among those bodies.³⁵ A large number of speakers referred to the importance of facilitating technical assistance to and capacity-building for Member States and hoped for a more proactive role to be played by the Committee.³⁶

Some speakers also stressed that the revitalization must take place in conformity with the Charter³⁷ and without interfering with the responsibilities of the General Assembly.³⁸ As to the relationship with the Secretariat, a number of speakers stressed the existing consultation with it regarding the proposal,³⁹ while others called for close cooperation with and

²⁷ S/PV.4921, pp. 2-4.

²⁸ *Ibid.*, p. 6.

²⁹ *Ibid.*, p. 8 (United States); p. 9 (United Kingdom); p. 11 (Romania); p. 26 (Ukraine); pp. 30-31 (Republic of Korea); S/PV.4921 (Resumption 1), p. 11 (Indonesia).

³⁰ *Ibid.*, p. 10 (Brazil); p. 19 (Ireland, on behalf of the European Union); S/PV.4921(Resumption 1), p. 13 (Canada).

³¹ S/PV.4921, p. 9.

³² *Ibid.*, p. 14.

³³ *Ibid.*, p. 9 (United Kingdom); p. 12 (Angola); p. 17 (Pakistan); p. 19 (Ireland, on behalf of the European Union); p. 25 (Japan); S/PV.4921 (Resumption 1), p. 11 (Costa Rica, Indonesia).

³⁴ S/PV.4921 (Resumption 1), pp. 4-5.

³⁵ S/PV.4921, pp. 21-22.

³⁶ *Ibid.*, p. 10 (Brazil); p. 11 (Romania); p. 12 (Angola); p. 14 (China); p. 15 (Chile); p. 24 (Kazakhstan); p. 27 (New Zealand, on behalf of the Pacific Islands Forum); p. 28 (Cameroon); p. 31 (Republic of Korea); S/PV.4921 (Resumption 1), p. 3 (Liechtenstein); p. 4 (Argentina, on behalf of the Rio Group); p. 6 (Israel); and p. 8 (South Africa).

³⁷ S/PV.4921, p. 5 (Benin); p. 6 (Algeria); p.15 (Germany); p. 17 (Pakistan); p. 18 (France); S/PV.4921 (Resumption 1), p. 2 (Egypt); p. 4 (Argentina, on behalf of the Rio Group); and p. 8 (South Africa).

³⁸ S/PV.4921, p.15 (Germany); p. 17 (Pakistan); S/PV.4921 (Resumption 1), p. 2 (Egypt).

³⁹ S/PV.4921, p. 8 (United States); and p. 9 (United Kingdom).

preservation of the integrity of the Secretariat.⁴⁰ The representative of Switzerland asked if the fight against terrorism within the United Nations should continue to be the primary responsibility of a subsidiary body of the Council and proposed the establishment of a central office under the authority of the Secretary-General as a possible alternative.⁴¹

In stressing the obligation to ensure that anti-terrorism measures complied with international law, including norms related to human rights, several speakers welcomed the fact that the proposed structure was to establish a liaison with the Office of the United Nations High Commissioner for Human Rights and other relevant human rights organizations in matters related to counter-terrorism.⁴² Some speakers also proposed the appointment of a human rights specialist in an executive directorate.⁴³

**Decision of 11 March 2004 (4923rd meeting):
resolution 1530 (2004)**

At the 4923rd meeting, on 11 March 2004, the President (France) drew the attention of the Council to a draft resolution.⁴⁴ On behalf of the Council, he expressed outrage at the terrorist attack that had occurred earlier that day in Madrid, killing more than 190 people and wounding over 1,000. The draft resolution was then put to the vote and adopted unanimously and without debate as resolution 1530 (2004), by which the Council, *inter alia*:

Condemned in the strongest terms the bomb attacks in Madrid perpetrated by the terrorist group Euskadi ta Askatasuna (ETA) on 11 March 2004;

Expressed its deepest sympathy and condolences to the people and Government of Spain and to the victims of the terrorist attacks and their families;

Urged all States to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of those terrorist attacks;

Expressed its reinforced determination to combat all forms of terrorism.

**Decision of 26 March 2004 (4936th meeting):
resolution 1535 (2004)**

At its 4936th meeting, on 26 March 2004, the Council again included in its agenda the letter dated 19 February 2004 from the Chairman of the Counter-Terrorism Committee to the President of the Council, transmitting the report of the Committee on its revitalization.⁴⁵ The President drew attention to a draft resolution;⁴⁶ it was put to the vote and adopted unanimously and without debate as resolution 1535 (2004), by which the Council, *inter alia*:

Endorsed the report of the Counter-Terrorism Committee on its revitalization;

Decided that the revitalized Committee would consist of the Plenary and the Bureau;

Decided further that the Counter-Terrorism Committee Executive Directorate, headed by an Executive Director, would be responsible for the tasks stated in the report of the Committee, and requested the Secretary-General to appoint an Executive Director who would take up office as soon as possible;

Requested the Executive Director to submit to the Plenary, for its endorsement, an organizational plan for the Directorate, consistent with the Committee's report and United Nations rules and regulations, including its structure, staffing requirements, budget needs, management guidelines, recruitment procedures;

Decided that the Committee would continue to report to the Council on a regular basis.

**Decision of 30 March 2004 (4939th meeting):
statement by the President**

At the 4939th meeting, on 30 March 2004, the President (France) made a statement on behalf of the Council,⁴⁷ by which the Council, *inter alia*:

Recalled the statement of its President of 16 October 2003,⁴⁸ which had confirmed the continuation of the current arrangements for the Bureau of the Counter-Terrorism Committee for another six months, until 4 April 2004;

⁴⁰ *Ibid.*, p. 15 (Germany); p. 17 (Pakistan); p. 19 (Ireland, on behalf of the European Union); S/PV.4921 (Resumption 1), p. 3 (Liechtenstein).

⁴¹ S/PV.4921, p. 22.

⁴² *Ibid.*, p. 10 (Brazil); p. 16 (Chile); p. 19 (Ireland, on behalf of the European Union); p. 22 (Switzerland); p. 28 (Cameroon); S/PV.4921 (Resumption 1), p. 3 (Liechtenstein); p. 4 (Argentina, on behalf of the Rio Group); p. 5 (Mexico); and p. 12 (Canada).

⁴³ S/PV.4921, p. 15 (Germany); p. 19 (Ireland, on behalf of the European Union); S/PV.4921 (Resumption 1), p. 3 (Liechtenstein); p. 5 (Mexico); and p. 12 (Canada).

⁴⁴ S/2004/186.

⁴⁵ S/2004/124.

⁴⁶ S/2004/238.

⁴⁷ S/PRST/2004/8.

⁴⁸ S/PRST/2003/17.

Confirmed the continuation of the current arrangements for the Bureau of the Committee for another six months, until 4 October 2004.

**Decision of 10 May 2004 (4966th meeting):
statement by the President**

At the 4966th meeting, on 10 May 2004, the President (Pakistan) made a statement on behalf of the Council,⁴⁹ by which the Council, *inter alia*:

Unequivocally condemned the terrorist bomb attack that had taken place on 9 May 2004 in Grozny, Russian Federation, as a result of which many people were injured and killed, including the President of the Chechen Republic of the Russian Federation, Ahmad Kadyrov;

Condemned also in the strongest terms the perpetrators of that heinous act;

Expressed its deepest sympathy and condolences to the people and to the Government of the Russian Federation and to the victims and their families;

Urged all States to cooperate with Russian authorities in their efforts to bring to justice the perpetrators, organizers and sponsors of the attack;

Reaffirmed that terrorism constituted one of the most serious threats to international peace and security;

Expressed its determination to combat all forms of terrorism.

Deliberations of 25 May 2004 (4976th meeting)

At its 4976th meeting, on 25 May 2004, the Council heard a briefing by the Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. Statements were made by most members of the Council⁵⁰ and the representatives of Costa Rica, India, Ireland (on behalf of the European Union)⁵¹ and Japan.

The President (Pakistan) drew the attention of Council members to a letter dated 27 April 2004 from the Chairman of the Committee established pursuant to

resolution 1267 (1999),⁵² transmitting the list of those States that had not submitted, by 31 March 2004, reports pursuant to paragraph 6 of resolution 1455 (2003), as well as an analytical summary of the reasons put forward by States for not reporting.

In his briefing, the Chairman of the Committee informed the Council about the overall work of the Committee and the Analytical Support and Sanctions Monitoring Team, which constituted the first of the 120-day oral assessments of the Committee as required by resolution 1526 (2004). He noted an increase in States' reporting compliance, pursuant to resolution 1455 (2003), leading to a total of 126 reports. He reported that the Committee had started to discuss a working paper containing definitions of terms used in resolution 1526 (2004) and other relevant resolutions, particularly the definition of the freezing of funds or other financial assets or economic resources, with the purpose of providing more clarity and precision to the Committee regarding the performance of its monitoring functions, as well as to Member States in their implementation efforts. He stated that since 1 January 2004 the names of 19 individuals and 6 entities had been placed on the Committee's List, which continued to play a crucial role in the implementation of the sanctions measures. The Committee had also established a contact list similar to the one used by the Counter-Terrorism Committee which would allow the Committee secretariat to automatically inform competent officials in Member States about amendments to the Committee's List. As to the Monitoring Team, which had begun its work in April 2004, it continued to develop its relationship with the Counter-Terrorism Committee Executive Directorate to ensure minimum overlap and maximum synergy. He said that, in a preliminary assessment, the Monitoring Team had found an uneven quality in States' reports. The Team also found that regarding the implementation of sanctions against Al-Qaida and the Taliban, many States did not see a need to adopt new specific laws. For the purpose of asset freezing, the Consolidated List continued to have limited distribution only to the banks in general, while most States had reported new regulations governing charities. Most States integrated the List into their border-control systems in order to implement the travel ban. He then reported about his recent mission pursuant to paragraph 10 of resolution 1526 (2004) to Algeria, Tunisia, Spain and Senegal,

⁴⁹ S/PRST/2004/14.

⁵⁰ The representative of Chile briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his national capacity.

⁵¹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁵² S/2004/349.

which he described as “tremendously useful” for the future work of the Committee and highlighted the need for cooperation and information-sharing among States, especially between European and Maghreb States. He drew attention to several recommendations following his visit, including the improvement of cooperation between the Committee and the Counter-Terrorism Committee in view of a continuing need for assistance in a number of countries. Turning to the analysis of the reasons for not reporting, the Chairman held that many of those States lacked the capacity or the resources to fulfil their reporting obligations. Some also lacked awareness of the different roles of the Committee and the Counter-Terrorism Committee and therefore had an impression that submission of reports to the latter satisfied their reporting obligations in relation to the sanctions committee. The Team also found a lack of supervisory and coordination mechanisms at the national level.⁵³

Speakers commended the work of the Committee and the Monitoring Team and stressed the important role of the Monitoring Team in supporting the Committee in its work. Speakers considered resolution 1526 (2004) to be one important step in further improving the provisions for combating terrorism. They acknowledged the instrument of field visits as an important component of the dialogue between the Committee and States. The representative of Ireland, speaking on behalf of the European Union, emphasized the role of the Monitoring Group not only in improving the rate of reporting compliance but also in assessing the effectiveness of existing resolutions, legislation and controls in combating terrorist financing, hindering the movement of terrorists and upholding arms embargoes.⁵⁴

Speakers agreed that, since terrorism was a continuing threat and had taken on various forms, the fight against it necessitated increased cooperation of the international community. Some of them called for the continuous development of the Committee’s work in order to efficiently tackle the varying strategies and techniques of terrorism.⁵⁵ Some speakers, *inter alia*, focused on particular challenges facing the international community: the representative of France referred to the controlling of financial flows as a priority in the fight against Al-Qaida and stressed the need to develop

mechanisms for registering fund transfers so as to prevent the abuse of informal systems such as the *hawala* or human cash couriers.⁵⁶

Many speakers referred to the urgency of the submission of overdue reports and some called upon the Committee to mobilize assistance.⁵⁷ The representative of Costa Rica pointed to the reporting burdens that had arisen for States which had to answer increasingly detailed and lengthy questions. She therefore called for a better coordination among the various United Nations bodies responsible for counter-terrorism activities.⁵⁸ A number of other speakers also encouraged the Committee to improve cooperation and work in synergy with the Counter-Terrorism Committee and its Executive Directorate to avoid duplication in their closely related work.⁵⁹

Speakers in general considered the Consolidated List as one of the most effective instruments the Council had at hand in the fight against terrorism. At the same time, they saw a need for improving the quality of the information provided to assist national authorities in proceeding against the listed individuals and entities. Some speakers considered this information as being sometimes insufficient to stand up in a judicial process.⁶⁰ The representative of the Russian Federation called for a more careful approach to the List,⁶¹ and the representative of the United Kingdom welcomed the improvement proposals foreseen in the new work programme.⁶²

The importance of respecting human rights and the rule of law when enacting counter-terrorism measures was reiterated by several speakers.⁶³ The representative of the United Kingdom held that ensuring the respect for international human rights and refugee and humanitarian law added to the legitimacy of the sanctions regime. He further drew attention to the

⁵³ S/PV.4976, pp. 2-6.

⁵⁴ *Ibid.*, p. 22.

⁵⁵ *Ibid.*, p. 17 (Philippines); p. 18 (China); p. 19 (Pakistan); and p. 23 (India).

⁵⁶ *Ibid.*, pp. 11-12.

⁵⁷ *Ibid.*, pp. 8-9 (Benin); and p. 22 (Ireland, on behalf of the European Union, India).

⁵⁸ *Ibid.*, p. 24.

⁵⁹ *Ibid.*, p. 8 (Benin); p. 10 (Algeria); p. 15 (United Kingdom); p. 18 (China); p. 20 (Japan); and p. 22 (Ireland, on behalf of the European Union).

⁶⁰ *Ibid.*, p. 18 (Pakistan); and p. 24 (Costa Rica).

⁶¹ *Ibid.*, p. 12.

⁶² *Ibid.*, p. 15.

⁶³ *Ibid.*, p. 12 (France); p. 15 (United Kingdom); p. 17 (Philippines); p. 21 (Ireland, on behalf of the European Union); and pp. 23-24 (Costa Rica).

potential for humanitarian consequences arising from the freezing of the assets of mixed entities that provided assistance to the needy as well as to terrorists. He asked whether it would be possible, for example, to alert relief agencies about a listing which might have humanitarian consequences.⁶⁴

**Decision of 19 July 2004 (5006th meeting):
statement by the President**

At its 5006th meeting, on 19 July 2004, the Council included in its agenda a letter dated 1 July 2004 from the Chairman of the Counter-Terrorism Committee to the President of the Council, transmitting the work programme of the Committee for the period from 1 July to 30 September 2004.⁶⁵

The Council heard a briefing by the new Chairman of the Counter-Terrorism Committee, following which statements were made by most members of the Council⁶⁶ and the representatives of Côte d'Ivoire, Indonesia, Israel, Japan, Kazakhstan (on behalf of the Collective Security Treaty Organization), Liechtenstein, the Netherlands (on behalf of the European Union),⁶⁷ the Syrian Arab Republic and Uzbekistan.

In his briefing, the Chairman first reported on the implementation of the Committee's previous work programme, which was characterized by the process of revitalization started by resolution 1535 (2004). In this transitional period, attention had been paid to reform efforts and to short-term activities at the same time and therefore, a slowdown in the review of States' reports could not be avoided. The Committee had begun and would continue to work on country assessments of assistance needs. He reported that encouraging States to become parties to the relevant conventions and protocols related to terrorism and to implement them in their national legislation had remained one of the Committee's priorities; and that it had continued to develop cooperation and coordination with

international, regional and subregional organizations as well as with United Nations bodies, namely the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004). He reminded States that had not submitted reports to submit them as soon as possible and expressed the Committee's readiness to assist those States encountering problems in submitting their reports. He stressed that the main task in the coming months was the implementation of resolution 1535 (2004) and that the Committee was about to consider the draft organizational plan for its Executive Directorate submitted by its Executive Director and present it to the Council for its endorsement.⁶⁸

In their statements, speakers welcomed the newly appointed Executive Director of the Counter-Terrorism Committee Executive Directorate. The representative of the United Kingdom considered the appointment as giving reason "to take activity to a new level".⁶⁹ Many delegations considered the establishment of the Directorate as an essential part of the revitalization process and stressed the urgency of making it operational as soon as possible.⁷⁰

In identifying different challenges for the future work of the Counter-Terrorism Committee, speakers highlighted a need for it to improve its technical assistance to States by addressing their assistance needs more vigorously.⁷¹ Most delegations agreed that the planned visits of the Committee to States with their consent would be most useful in enhancing an open dialogue with them and enable the Committee to verify the implementation of resolution 1373 (2001).⁷² According to the representative of Brazil, the biggest challenge for the Committee and its Executive Directorate was to persuade countries that it was in their own interest to take advantage of the various sources of cooperation made available to them, including with the Committee.⁷³ The delegation of Kazakhstan, speaking

⁶⁴ Ibid., p. 15.

⁶⁵ S/2004/541.

⁶⁶ The representative of the Russian Federation briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his national capacity; the representatives of Benin and France did not make statements.

⁶⁷ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁶⁸ S/PV.5006, pp. 2-5.

⁶⁹ Ibid., p. 9.

⁷⁰ Ibid., p. 5 (United States); p. 10 (Spain, China); and p. 11 (Algeria, Angola).

⁷¹ Ibid., p. 9 (United Kingdom); p. 10 (Spain); p. 11 (Algeria); p. 12 (Angola); p. 13 (Romania); p. 14 (Netherlands, on behalf of the European Union); p. 19 (Japan); and p. 23 (Uzbekistan).

⁷² Ibid., p. 10 (Spain, China); p. 11 (Algeria); p. 12 (Angola); p. 14 (Netherlands, on behalf of the European Union); and p. 23 (Kazakhstan, on behalf of the Collective Security Treaty Organization).

⁷³ Ibid., p. 12.

on behalf of the Collective Security Treaty Organization, called for linking technical assistance to the strengthening of interaction with international and regional organizations.⁷⁴

A number of speakers identified strengthening the cooperation with international, regional and subregional organizations as another major aspect of the future work of the Committee.⁷⁵ Several speakers in this context appreciated the special meeting of the Committee with those organizations to be held in Cairo later in 2004 and to be hosted by the League of Arab States.⁷⁶ Many speakers also emphasized the need to further develop any inter-institutional cooperation, in particular with the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban.⁷⁷ The representative of Chile as Chairman of that Committee expressed his determination to enhance cooperation between the two committees and reported that an informal meeting between the two Chairmen had been held. He stated that a new area of cooperation had been proposed, namely, the holding of regular meetings of the two Chairmen and the experts.⁷⁸

Regarding other remaining challenges, the representative of Côte d'Ivoire stated that universal agreement on the definition of acts of terrorism was a prerequisite for any collective strategy to fight terrorism.⁷⁹ Some speakers saw newly emerging threats in drug trafficking as a means of financing terrorism and in the access of terrorists to weapons of mass destruction.⁸⁰ The delegation of Israel said that terrorism was becoming increasingly sophisticated and that the Committee and States had to anticipate new directions it might take and pay careful attention to emerging trends.⁸¹ The representative of Romania, in

his capacity as Chairman of the Committee established pursuant to resolution 1540 (2004), expressed his readiness to discuss possible synergies between his Committee and the Counter-Terrorism Committee.⁸²

Following the discussion, the President made a statement on behalf of the Council,⁸³ by which the Council, *inter alia*:

Invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the twelfth 90-day period, focusing on practical measures to implement resolution 1535 (2004) on the revitalization of the Committee, including by considering the organizational plan for the newly established Counter-Terrorism Committee Executive Directorate;

Noted the importance of continuing the efforts of the Committee aimed at increasing the capabilities of Member States to combat terrorism, to identify and address the problems faced by States in implementing resolution 1373 (2001), to facilitate the provision of technical assistance adjusted to the countries' needs, to encourage the largest possible number of States to become parties to the international conventions and protocols related to counter-terrorism, and to strengthen its dialogue and cooperation with international, regional and subregional organizations acting in the areas outlined by resolution 1373 (2001);

Noted that, as of 30 June 2004, 71 States had not met the deadline for submission of their respective reports to the Committee as set out in resolution 1373 (2001); and called upon them urgently to do so, in order to maintain the universality of response which resolution 1373 (2001) required.

Decision of 1 September 2004 (5026th meeting): statement by the President

At the 5026th meeting, on 1 September 2004, the President (Spain) made a statement on behalf of the Council,⁸⁴ by which the Council, *inter alia*:

Condemned in the strongest terms the heinous terrorist act involving the taking of hostages at a secondary school in the town of Beslan, Russian Federation, on 1 September 2004, as well as other terrorist attacks committed recently against innocent civilians in Moscow and on two Russian airliners, in which many lives were lost and people injured;

Demanded the immediate and unconditional release of all hostages in the terrorist attack;

Expressed its deepest sympathy and condolences to the people and the Government of the Russian Federation and to the victims of the terrorist acts and their families;

⁷⁴ Ibid., pp. 23-24.

⁷⁵ Ibid., p. 9 (United Kingdom); p. 10 (Spain); p. 12 (Angola); p. 13 (Romania); p. 15 (Syrian Arab Republic); and p. 22 (Uzbekistan).

⁷⁶ Ibid., p. 10 (China); p. 11 (Algeria); p. 14 (Netherlands, on behalf of the European Union); and p. 15 (Syrian Arab Republic).

⁷⁷ Ibid., p. 9 (United Kingdom); p. 10 (Spain); p. 11 (Algeria); p. 14 (Netherlands, on behalf of the European Union); p. 16 (Liechtenstein); p. 20 (Japan); and p. 21 (Côte d'Ivoire).

⁷⁸ Ibid., p. 6.

⁷⁹ Ibid., p. 21.

⁸⁰ Ibid., p. 22 (Uzbekistan); and p. 24 (Kazakhstan, on behalf of the Collective Security Treaty Organization).

⁸¹ Ibid., pp. 17-19.

⁸² Ibid., p. 13.

⁸³ S/PRST/2004/26.

⁸⁴ S/PRST/2004/31.

Expressed its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

Deliberations of 13 September 2004 (5031st meeting)

At its 5031st meeting, on 13 September 2004, the Council included in its agenda a letter dated 23 August 2004 from the Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Council,⁸⁵ transmitting the first report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004).

The Council heard a briefing by the Chairman of the Committee, following which statements were made by most members of the Council⁸⁶ and the representatives of Australia, India, Indonesia, Japan, Malaysia, the Netherlands (on behalf of the European Union)⁸⁷ and Singapore.

In his briefing, the Chairman, reiterating that terrorism constituted one of the most serious threats to international peace and security, informed the Council of the activities which the Committee and its Monitoring Team had undertaken since his last briefing in May 2004. The Committee had discussed an informal document on non-mandatory measures contained in resolution 1526 (2004) that were important for the implementation of the sanctions regime. These included measures seeking to cut the flow of funds and other financial assets to and from individuals and entities on the Committee's List, to improve the List and to strengthen cooperation in capacity-building for implementation. He said that the Committee realized that some measures might become mandatory in the future if deemed appropriate and necessary. He reported also that the Committee had revised the guidelines for the conduct of its work; added new names to the List; established a fully operational list of contact points regarding notification

to Member States of changes in the List; established an active working relationship with the Chairman of the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate. He reported that the Monitoring Team, for the past four months, had focused on establishing a close and effective working relationship with the Committee and Member States as well as with the Counter-Terrorism Committee. The Team had worked on improving the Committee's List by requesting additional information from States and had undertaken several country visits to assess the evolution of the threat posed by Al-Qaida, to seek suggestions on how to improve the List, to discuss ideas for making sanctions more effective and to encourage States to add names to the List. The Chairman commended the fact that the Team's first report,⁸⁸ currently under consideration by the Committee, contained fresh ideas and would give new impetus to the work of the Committee. He said that the Team had foreshadowed a number of measures that might be taken to improve the functionality and credibility of the List and to strengthen the effectiveness of the existing financial sanctions, arms embargo and travel ban. The Team had noted that the nature of the threat from Al-Qaida and the Taliban was constantly evolving and that therefore a creative and effective response of the international community was required. He pointed out that continued cooperation with Member States remained the most important aspect of the Committee's work and that in this context improving the quality of the List, the opportunity provided for in resolution 1526 (2004) for States to meet with the Committee, and the country visits of the Committee were three issues of specific interest. He strongly encouraged all States to submit new names to the List, which currently contained only a small fraction of individuals and entities associated with Al-Qaida and the Taliban. He also explained that the Committee was aware of the fact that States had concerns regarding due process, the delisting of certain names and the potential stigmatization of listed persons, and announced that the Committee would ask the Monitoring Team to explore the reasons for non-submission of names. He emphasized that sanctions implementation, including in the context of delisting procedures, must take place in accordance with the Charter of the United Nations and international law. With regard to meetings between the

⁸⁵ S/2004/679.

⁸⁶ The representative of Chile briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his national capacity.

⁸⁷ Albania, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

⁸⁸ S/2004/679.

Committee and Member States, he deplored that no such meetings had been held and underlined that the purpose of those meetings was to learn more about States' experiences and concerns and to explore ways to improve the sanctions regime. Country visits also were an invaluable tool in improving cooperation between the Committee and Member States.

The Chairman highlighted some concrete tasks before the Committee, namely, improving the quality of the List; a closer focus on the results of States' enforcement activities to detect problems faced by States; boosting the Committee's work in the area of delisting and exceptions pursuant to resolution 1452 (2002); continuing country visits in order to constantly evaluate the application of sanctions measures on the ground; enhanced dialogue with Member States in order to be able to give them the needed assistance; increased cooperation and coordination with the Counter-Terrorism Committee and its Executive Directorate, the Committee established pursuant to resolution 1540 (2004) and all relevant international agencies or organizations.⁸⁹

Speakers concurred with the Monitoring Team's assessment regarding the changing nature of the threat posed by Al-Qaida and the Taliban and saw a need to constantly refine and adjust sanctions measures to that changing nature. Country visits of the Chairman on behalf of the Committee were praised as particularly useful for fostering a dialogue and promoting transparency.⁹⁰

Closer cooperation with other bodies, particularly with the Counter-Terrorism Committee and its Executive Directorate, was emphasized by many delegations, most of them welcoming the development of further cooperation with the Committee established pursuant to resolution 1540 (2004).⁹¹ In the context of greater cooperation, the representative of India proposed that visits by the Committee to States to enhance coordination and information exchange could

involve the Counter-Terrorism Committee and its Executive Directorate.⁹²

The representative of the United Kingdom stated that the Consolidated List was not for use by the Council or the Committee alone but belonged to every Member State. He encouraged States to take ownership of the List, most importantly by submitting names for inclusion on that List.⁹³ Several other delegations reaffirmed the need for the List to be constantly completed and updated and stated that it could only be as good as the data provided by States.⁹⁴ The representative of Pakistan pointed to the completeness and accuracy of the List as being essential for the success of sanctions.⁹⁵ He also warned about financial sanctions unduly targeting Islamic charities and about an expansive interpretation of the term "associates".⁹⁶

The representative of the Russian Federation opined that rather than discuss the flaws of the List, Member States should support the Committee by submitting additional information.⁹⁷ The representative of Algeria believed that it would be ill-advised to suspend or remove names from the List because of insufficient information but instead the focus should be put on the threat those individuals or entities posed.⁹⁸

Regarding the issue of delisting, the delegation of Germany pointed to its growing importance, particularly with regard to justly listed individuals who later turned their backs on terrorism. He stated that delisting was not only an issue of due process in relation to concerned individuals but that it had a positive potential in the sense that it could provide an incentive for those individuals to cooperate with counter-terrorism investigations.⁹⁹ The representative of Angola stated that while Member States should submit names, the Committee for its part should consider procedures for delisting.¹⁰⁰ The representative of Brazil proposed that the Committee should derive benefit from the measures to improve the functionality

⁸⁹ S/PV.5031, pp. 2-7.

⁹⁰ Ibid., p. 8 (United Kingdom); p. 9 (Pakistan); p. 20 (Brazil); p. 29 (Indonesia); and p. 30 (Malaysia).

⁹¹ Ibid., p. 8 (United Kingdom); p. 11 (Philippines); p. 16 (Benin); p. 17 (Angola); p. 18 (Algeria); pp. 21-22 (Spain); p. 22 (Australia); p. 24 (Netherlands, on behalf of the European Union); p. 25 (Japan); and pp. 29-30 (Malaysia).

⁹² Ibid., p. 28.

⁹³ Ibid., pp. 8-9.

⁹⁴ Ibid., p. 14 (Germany); p. 22 (Australia); pp. 23-24 (Netherlands, on behalf of the European Union); pp. 24-25 (Japan); and p. 30 (Malaysia).

⁹⁵ Ibid., p. 9.

⁹⁶ Ibid., pp. 9-10.

⁹⁷ Ibid., pp. 12-13.

⁹⁸ Ibid., pp. 18-19.

⁹⁹ Ibid., pp. 13-14.

¹⁰⁰ Ibid., pp. 16-18.

and credibility of the List which had been proposed by the Monitoring Team in its report and requested it to present specific suggestions to the Committee. He also found that specific proposals with regard to due process issues could be of help to the Committee.¹⁰¹ The representative of Pakistan also asked the Committee to further improve the delisting procedures and address due process concerns.¹⁰² The representative of Spain stressed the need to improve the basic identifying data for individuals and entities included on the List and proposed approaching other international organizations experienced in fighting transnational organized crime, explicitly naming INTERPOL. He also pointed to the need to establish a procedure for delisting which he considered a key issue if the Council was to preserve the universal legitimacy of the work of the Committee.¹⁰³ The representative of India proposed that the Committee should hold those States that harboured listed individuals or entities accountable for non-compliance with the relevant Chapter VII resolutions.¹⁰⁴

The representative of France stressed that counter-terrorism measures must not undermine the rule of law and fundamental rights of citizens and that therefore his delegation would remain vigilant to ensure that both effectiveness and respect for the rule of law were complied with.¹⁰⁵ Similarly, several other speakers emphasized the need to respect international law in combating terrorism.¹⁰⁶

The representative of Algeria stated that the right to asylum was abusively granted to terrorist organizations and individuals involved in acts of terrorism in their country of origin, and that this led to conveying impunity to those organizations or individuals. He therefore called for encouraging States to fully cooperate in the field of extradition. This could be done by making better use of the opportunities provided for in Chapter VII of the Charter. He expressed his wish for the Monitoring Team to address this issue in order to strengthen international judicial cooperation in the area of extradition.¹⁰⁷

¹⁰¹ Ibid., pp. 18-19.

¹⁰² Ibid., p. 9.

¹⁰³ Ibid., pp. 20-22.

¹⁰⁴ Ibid., pp. 26-28.

¹⁰⁵ Ibid., pp. 14-15.

¹⁰⁶ Ibid., p. 15 (China); p. 16 (Benin); pp. 23-24 (Netherlands, on behalf of the European Union); p. 29 (Indonesia); and p. 30 (Malaysia).

¹⁰⁷ Ibid., p. 19.

**Decision of 8 October 2004 (5053rd meeting):
resolution 1566 (2004)**

At the 5053rd meeting, on 8 October 2004, the President (United Kingdom) drew the attention of the Council to a draft resolution.¹⁰⁸ Statements were made by all members of the Council, and the representative of Turkey, on behalf of the Organization of the Islamic Conference.

The draft resolution was put to the vote and adopted unanimously as resolution 1566 (2004), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Condemned in the strongest terms all acts of terrorism as one of the most serious threats to peace and security;

Called upon States to cooperate fully in the fight against terrorism;

Called upon all States to become party to the relevant international conventions and protocols;

Called upon relevant international, regional and subregional organizations to strengthen international cooperation in the fight against terrorism;

Requested the Counter-Terrorism Committee to develop a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism;

Directed the Committee to start visits to States in order to enhance the monitoring of the implementation of resolution 1373 (2001);

Decided to establish a working group to consider and submit recommendations to the Council on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities;

Requested the working group to consider the possibility of establishing an international fund to compensate victims of terrorist acts;

Requested the Secretary-General to take appropriate steps to make the Counter-Terrorism Committee Executive Directorate fully operational and to inform the Council by 15 November 2004.

Speakers in general believed that the resolution strengthened the central role of the United Nations in the fight against terrorism and that it would further intensify the international cooperation required for countering terrorism effectively. Some stressed that the resolution would strengthen cooperation with regard to fighting international terrorism beyond cooperation

¹⁰⁸ S/2004/792.

against Al-Qaida and the Taliban.¹⁰⁹ In addition, speakers emphasized that the fight against terrorism must comply with the Charter and with States' obligations under international law, especially human rights, refugee and humanitarian law.

Discussing specific paragraphs in resolution 1566 (2004), speakers touched upon the issue of self-determination and acts of terrorism in connection with operative paragraph 3.¹¹⁰ The representative of Brazil made clear that that paragraph reflected compromise language that contained a clear political message, but that it was not an attempt to define the concept of terrorism.¹¹¹

With regard to future tasks of the working group established by the resolution, which included looking into ways and means to identify individuals, groups and entities involved in terrorist activities, many delegations proposed setting up a list as the most appropriate means to identify the relevant individuals, groups and entities.¹¹² Some speakers emphasized the need for those new measures proposed by the working group to observe international law and international humanitarian law and the provisions of due process.¹¹³

The representative of Brazil was of the view that the Council, in its current practice, was excessively resorting to the use of Chapter VII of the Charter. The adoption of the entire operative part of resolution 1566 (2004) under Chapter VII suggested, in his opinion, that not enough emphasis had been given to possibilities of international cooperative action. He held that such a tendency was both unnecessary and counterproductive, particularly with regard to the appeal to Member States contained in operative paragraph 5.¹¹⁴ Referring to Article 24 (2) of the Charter, the representative of Benin held that no provision of the resolution should be interpreted in

such a manner as to violate the principles of the Charter and urged Member States to implement the resolution in that spirit.¹¹⁵

**Decision of 19 October 2004 (5059th meeting):
statement by the President**

At its 5059th meeting, on 19 October 2004, the Council included in its agenda a letter dated 15 October 2004 from the Chairman of the Counter-Terrorism Committee addressed to the President of the Council, transmitting the work programme of the Committee for the period from 1 October to 31 December 2004.¹¹⁶

The Council heard a briefing by the Chairman of the Committee and by the Executive Director of the Counter-Terrorism Committee Executive Directorate. Statements were made by most members of the Council¹¹⁷ and the representatives of Bangladesh, Canada, Colombia, Costa Rica, Cuba, Egypt, El Salvador, Fiji, India, Indonesia, Israel, Japan, Liechtenstein, Malaysia, Nepal, the Netherlands (on behalf of the European Union),¹¹⁸ Nigeria, Peru, the Republic of Korea, Samoa (on behalf of the Pacific Islands Forum), Switzerland, Thailand, Uganda and Ukraine (on behalf also of Azerbaijan, Georgia, Moldova and Uzbekistan).¹¹⁹

In his briefing, the Chairman of the Counter-Terrorism Committee updated the Council on the Committee's activities of the past three months, which marked the beginning of the revitalization process initiated in resolution 1535 (2004) subsequent to the endorsement of the organizational plan for the Counter-Terrorism Committee Executive Directorate by the Council. He announced that the new work programme would build on the main achievements of the previous three months in order to finalize the

¹⁰⁹ S/PV.5053, p. 4 (Pakistan); and p. 10 (United Kingdom).

¹¹⁰ Ibid., p. 2 (Turkey); p.3 (Russian Federation); p. 4 (Algeria); p. 7 (United States); and p. 8 (Philippines). For more information on the discussion concerning paragraph 3 of resolution 1566 (2004), see chap. XII, part I, sect. A, case 2, with regard to Article 1 (2) of the Charter.

¹¹¹ S/PV.5053, p. 7.

¹¹² Ibid., p. 3 (Russian Federation); p. 5 (Spain); p. 6 (Romania, Germany); p. 7 (United States); p. 9 (France); and p. 10 (United Kingdom).

¹¹³ Ibid., p. 5 (Chile); and pp. 7-8 (Brazil).

¹¹⁴ Ibid., pp. 7-8.

¹¹⁵ Ibid., pp. 8-9.

¹¹⁶ S/2004/820.

¹¹⁷ The representative of the Russian Federation briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his national capacity.

¹¹⁸ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹¹⁹ For more information on the discussion at this meeting, see chap. III, part II, sect. A, case 7, with regard to procedures relating to participation; and chap. XII, part I, sect. A, case 2, with regard to Article 1 (2) of the Charter.

transition to the new organizational structure. He reported that the work of the group of experts enabled the Committee to speed up the process of reviewing Member States' reports. The Committee had continued to integrate an analysis and assessment of each country's assistance needs into the review process and approved a guidance document for making those assessments, which, with the consent of the concerned States, could be shared with interested donor States and organizations. Furthermore, a database of needed and available assistance was maintained by the Committee. The provision of information from States was a vital tool to help those States that sought technical assistance. He said that the Committee had concentrated on the preparation of its visits to Member States and had been engaged in the preparation of the fourth special meeting with international, regional and subregional organizations. With regard to future activities, the Chairman announced that the Committee intended to implement the relevant provisions of resolution 1566 (2004) which had prioritized its main tasks, namely, closer cooperation with other Security Council bodies dealing with counter-terrorism, strengthening cooperation with international, regional and subregional organizations, speeding up the revitalization process on the basis of the organizational plan of its Executive Directorate, and enhancing dialogue and exchange with Member States and facilitating technical assistance. He also announced that, pursuant to resolution 1566 (2004), the Committee, in consultation with the relevant international, regional and subregional organizations and United Nations bodies, would prepare a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism.¹²⁰

The Executive Director of the Counter-Terrorism Committee Executive Directorate briefed the Council on the steps taken to make the Directorate operational. He reported that administratively he prepared the budget and arranged the contracting of experts and other personnel. He had also initiated contacts with a wide range of international organizations of primary relevance to the future work of the Directorate. Elaborating on priorities, he stated that, once it was fully operational, the Directorate would intensify dialogue with Member States to identify their needs and obtain the assistance they required, by conducting

¹²⁰ S/PV.5059, pp. 2-5.

periodic evaluations and country visits and working with international organizations that could help detect the needs of the State and coordinate assistance.¹²¹

Speakers expressed their hope to see the Directorate in operation as soon as possible. They fully concurred with and further elaborated on the four priorities enumerated by the Chairman of the Counter-Terrorism Committee. They furthermore concurred that terrorism remained one of the most serious threats to international peace and security, referring to incidents not only rising in numbers but also leaving growing damage.

Several delegations regretted that some States had missed the deadline for submitting reports to the Committee and urged them to meet their obligations as soon as possible.¹²² The representative of Chile suggested that those States request the technical assistance that the Committee, international organizations and donor countries were ready to provide.¹²³ The representative of the United Kingdom called upon them to inform the Committee of the problems that they were facing.¹²⁴ The representative of Brazil, pointing out that the Committee, and by extension its Executive Directorate, was not to be likened to a sanctions committee, recommended that States examine the possibility of approaching those bodies in order to discuss ways of increasing cooperation.¹²⁵ The representative of Samoa, speaking on behalf of the Pacific Islands Forum group of countries, opined that the group, which consisted mainly of developing and small island States, often lacked resources and technical expertise to fulfil its obligations. He therefore welcomed consultations between Member States and the Counter-Terrorism Committee that aimed at extending assistance to small and developing States and encouraged the Committee to consider the option of a Pacific regional report with which small island countries could meet their obligations.¹²⁶

Several delegations, while acknowledging the accomplishments of the current Committee Chairman and the Executive Director, explicitly called for

¹²¹ *Ibid.*, pp. 5-6.

¹²² *Ibid.*, p. 6 (Chile); p. 12 (Pakistan); p. 16 (Algeria); and pp. 23-24 (Netherlands, on behalf of the European Union).

¹²³ *Ibid.*, p. 6.

¹²⁴ *Ibid.*, p. 20 (United Kingdom).

¹²⁵ *Ibid.*, pp. 11-12.

¹²⁶ S/PV.5059 (Resumption 1), pp. 11-13.

providing technical assistance more actively.¹²⁷ The representative of Romania saw the increase in the number of States that belatedly submitted reports as an incentive for the Committee to make facilitation of technical assistance a top priority in the near future;¹²⁸ other speakers urged the Committee to identify the reasons for the backlog.¹²⁹

The representative of France considered country visits as a future priority for the Committee and proposed initial visits to those countries in which the needs for complying with resolution 1373 (2001) appeared to be the greatest.¹³⁰ The representative of Japan hoped that after the visits the Committee would share its views with Member States regarding the achievements of each visit and what it was expected to produce.¹³¹

A number of speakers pointed to the significance of enlarging the number of signatures of international treaties on counter-terrorism. Many appealed to States that were not yet parties to those treaties to become parties to them and to implement legislation.¹³² Other speakers referred to the urgency of completing the work on the draft comprehensive convention against terrorism.¹³³ The representative of Algeria stressed the complementarity of regional instruments to the international arrangements for strengthening cooperation in the fight against terrorism.¹³⁴ The representative of the United States made clear that joining regional conventions could not be viewed as an alternative to joining international ones as stated in resolution 1566 (2004).¹³⁵

Several delegations stressed the importance of close coordination among all Council bodies dealing

with terrorism¹³⁶ and of coordination with other parts of the United Nations system.¹³⁷ Referring to the newly established working group pursuant to resolution 1566 (2004), the representative of Japan called for thoroughly elucidating the relationship between that group and the existing organs in order for the group to contribute to the strengthening of counter-terrorism policy.¹³⁸ The representative of the United Kingdom proposed that the group remained in close contact with the existing bodies to draw on their expertise.¹³⁹

Speakers in general welcomed the adoption of resolution 1566 (2004), with some delegations reiterating their positions expressed at the 5053rd meeting. Some delegations emphasized that defining terrorism fell under the functions and powers of the General Assembly.¹⁴⁰ The representatives of Brazil and Costa Rica repeated that resolution 1566 (2004) reflected compromise language that contained a clear important political message, but that it was not an attempt to define the concept of terrorism in a legal sense.¹⁴¹ The representative of Cuba was of the opinion that resolution 1566 (2004) was designed to define terrorism in a manner that was biased and that it demonstrated the “Council’s tendency to legislate under Chapter VII of the Charter”.¹⁴² The representative of Egypt stressed that, during the consultations on resolution 1566 (2004), Member States had emphasized the importance of relying on international conventions aimed at international cooperation, rather than increasingly resorting to Chapter VII of the Charter in this matter.¹⁴³ The representatives of Liechtenstein and Switzerland pointed out that the definition of involvement in terrorist acts was unclear and so was the attempt to define terrorist acts; this would also raise questions as to the relationship between the work of the Council and the efforts under way in the General

¹²⁷ S/PV.5059, p. 8 (Philippines); p. 10 (Spain); p. 12 (Pakistan); p. 15 (Romania); p. 16 (Algeria); p. 18 (Angola); S/PV.5059 (Resumption 1), p. 8 (Republic of Korea).

¹²⁸ S/PV.5059, p. 15.

¹²⁹ S/PV.5059 (Resumption 1), p. 2 (Peru); and p. 9 (Malaysia).

¹³⁰ S/PV.5059, p. 13.

¹³¹ *Ibid.*, p. 21.

¹³² *Ibid.*, p. 7 (Chile); p. 16 (Benin); p. 19 (United States); p. 23 (Netherlands, on behalf of the European Union); S/PV.5059 (Resumption 1), p. 10 (Nigeria).

¹³³ S/PV.5059, p. 18 (Angola); p. 26 (India); S/PV.5059 (Resumption 1), p. 16 (Nepal).

¹³⁴ S/PV.5059, p. 17.

¹³⁵ *Ibid.*, p. 19.

¹³⁶ *Ibid.*, p. 8 (Philippines); p. 14 (Romania); p. 16 (Algeria); p. 20 (United Kingdom); p. 23 (Netherlands, on behalf of the European Union); S/PV.5059 (Resumption 1), p. 2 (Peru); and p. 8 (Republic of Korea).

¹³⁷ S/PV.5059, p. 23 (Netherlands, on behalf of the European Union); S/PV.5059 (Resumption 1), p. 2 (Peru).

¹³⁸ S/PV.5059, p. 21.

¹³⁹ *Ibid.*, p. 20.

¹⁴⁰ S/PV.5059, p. 11 (Brazil); p. 27 (Cuba); S/PV.5059 (Resumption 1), p. 18 (Egypt); and p. 20 (Costa Rica).

¹⁴¹ S/PV.5059, p. 11 (Brazil); S/PV.5059 (Resumption 1), p. 20 (Costa Rica).

¹⁴² S/PV.5059, p. 27.

¹⁴³ S/PV.5059 (Resumption 1), p. 18.

Assembly to agree on a definition of terrorism.¹⁴⁴ The representative of Switzerland further held that formulations of a legislative nature in resolution 1566 (2004) did not comply with the principle of legality in criminal law.¹⁴⁵

While the representative of Brazil supported the establishment of a working group dealing with terrorism outside Al-Qaida, he spoke against the idea of establishing a Consolidated List of individuals and organizations classified as terrorists since this could lead to politicization of the body.¹⁴⁶ The representative of Switzerland called for all States, and not the Council alone, to be included when deciding on the content of such a list. Furthermore, he proposed creating an opportunity for those people and entities on the List to challenge such a listing.¹⁴⁷ The representative of Liechtenstein reiterated the view that the new regime foreseen in resolution 1566 (2004) to impose measures on individuals or entities not falling under resolution 1267 (1999) must be equipped with a mechanism to establish facts objectively and to review decisions in a fair and independent manner in order to comply with due process standards.¹⁴⁸

At the end of the meeting, the President (United Kingdom) made a statement on behalf of the Council,¹⁴⁹ by which the Council, *inter alia*:

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to peace and security;

Invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the thirteenth 90-day period focusing on practical measures to implement resolution 1535 (2004) on the revitalization of the Committee, including implementation of the organizational plan for the Counter-Terrorism Committee Executive Directorate, and resolution 1566 (2004);

Invited the Committee to continue preparing and begin sending to Member States assessments of their assistance needs for eventual sharing with interested donor States and organizations;

Invited the Committee to start to develop a set of best practices to assist States in implementing the provisions of resolution 1373 (2001) related to the financing of terrorism.

Deliberations of 17 December 2004 (5104th meeting)

At its 5104th meeting, on 17 December 2004, the Council heard a briefing by the Chairman of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. Statements were made by most members of the Council¹⁵⁰ and the representatives of Indonesia, Japan and Thailand.

In his briefing, the Chairman reported on the Committee's work during the past three months and explained how the Committee had shifted its focus from comprehensive reporting by States on their implementation to active dialogue with States. This was done by encouraging Member States to meet with the Committee and by conducting country visits during which there was an intensive dialogue on, *inter alia*, the quality of the Consolidated List, human rights questions related to the List including the due process standards applied by the Committee, the need for technical assistance or the possibility of providing technical assistance. He reported that the Monitoring Team had assisted the Committee in the monitoring of the implementation of sanctions measures by States and submitted a large number of technical corrections to the List, most of which the Committee had widely approved.

The Chairman identified the following tasks as priorities on the future agenda of the Committee: encouraging Member States to be proactive in proposing names for inclusion on the List, and further improving the quality of the List; monitoring sanctions enforcement activities by States, with the assistance of the Monitoring Team and with a view to detecting possible problems and suggesting actions to remedy those problems; and considering how to improve delisting procedures and exceptions pursuant to resolution 1452 (2002). He announced that the Committee would further intensify its dialogue with Member States, including through regular briefings to delegations and further country visits, and further increase cooperation with the Counter-Terrorism Committee and its Executive Directorate, the Committee established pursuant to resolution 1540

¹⁴⁴ *Ibid.*, p. 22 (Liechtenstein); and pp. 24-25 (Switzerland).

¹⁴⁵ *Ibid.*, pp. 24-25.

¹⁴⁶ S/PV.5059, pp. 11-12.

¹⁴⁷ *Ibid.*, pp. 24-25.

¹⁴⁸ *Ibid.*, pp. 21-22.

¹⁴⁹ S/PRST/2004/37.

¹⁵⁰ The representative of Chile briefed the Council in his capacity as the Chairman of the Committee but did not make a statement in his national capacity.

(2004) and with all relevant international agencies and organizations.¹⁵¹

Speakers commended the outgoing Chairman for the achievements of the Committee under his leadership. The representative of France said that the Chairman had been able to identify the changing and more diffuse character of Al-Qaida, had improved cooperation with States through dialogue which had been stepped up, and strengthened the commitment of States in implementing sanctions.^{152,153}

Speakers generally agreed that priority should be given to improving the quality and credibility of the List, establishing clear delisting procedures, conducting on-site visits and dialogue with States, cooperating with the Counter-Terrorism Committee, the Committee established pursuant to resolution 1540 (2004) and other relevant bodies. The representative of Germany concurred with the view issued recently by the High-level Panel on Threats, Challenges and Change in its report¹⁵⁴ that current rules on listing and delisting fell far short of international legal standards and needed to be revised with a view to enhancing their transparency and their even-handed applicability.¹⁵⁵

Referring to States that had not fulfilled their reporting or implementation obligations, the representative of the United States reminded States that, when the Council invoked Chapter VII of the Charter in response to threats against international peace and security, there could be no satisfactory outcome other than complete compliance by Member States in implementing the measures authorized by the Security Council.¹⁵⁶

Decision of 18 January 2005 (5113th meeting): statement by the President

At its 5113th meeting, on 18 January 2005, the Council included in its agenda a letter dated 13 January 2005 from the Chairman of the Counter-Terrorism Committee to the President of the Council, transmitting

the work programme of the Committee for the period from 1 January to 31 March 2005.¹⁵⁷

The Council heard a briefing by the Chairman of the Committee, following which statements were made by most members of the Council¹⁵⁸ and the representatives of Kazakhstan, Liechtenstein, Luxembourg (on behalf of the European Union)¹⁵⁹ and Paraguay.

In his briefing, the Chairman reported on the Committee's activities during the past three months and introduced the work programme for the next three months. He said first that the Council in 2004 had created a new and more comprehensive agenda regarding counter-terrorism and that its focus on various aspects of counter-terrorism had created additional challenges for the Committee. The focus of the Committee had been to develop new ways and means for a more effective monitoring of the implementation of resolution 1373 (2001), the primary means of monitoring until then being the review of States' reports and maintenance of a regular dialogue with them. He said that, owing to a shortage of experts, the Committee was not able to maintain the same number of reviewed reports as in the previous three-month period, which he hoped to be resolved once the Counter-Terrorism Committee Executive Directorate became operational. With regard to developing new approaches to providing technical assistance to States, the Committee had initiated analytical work to assess the assistance needs of States.

The Chairman also reported that the Committee had completed its preparations for the first visits to Member States, had prepared for its fourth special meeting with international, regional and subregional organizations, and had broadened its interaction with other United Nations structures by participating together with the United Nations Office on Drugs and Crime and the Office of the United Nations High Commissioner for Human Rights in a seminar on a draft resolution on counter-terrorism held in Paraguay

¹⁵¹ S/PV.5104, pp. 2-5.

¹⁵² *Ibid.*, pp. 6-7.

¹⁵³ For more information on the discussion of sanctions, see chap. XI, part III, sect. B, with regard to Article 41 (1) of the Charter.

¹⁵⁴ See A/59/565 and Corr.1.

¹⁵⁵ S/PV.5104, pp. 8-9.

¹⁵⁶ *Ibid.*, pp. 14-15.

¹⁵⁷ S/2005/22.

¹⁵⁸ The representative of the Russian Federation briefed the Council in his capacity as the Chairman of the Committee, but did not make a statement in his national capacity.

¹⁵⁹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

late in 2004. The holding of informal meetings among the Chairmen of all Security Council committees dealing with terrorism had contributed to a greater agreement on the implementation of a single, comprehensive strategy of the Council in the fight against terrorism. Implementing the visits to Member States and holding the fourth special meeting with international, regional and subregional organizations in Almaty were the issues of priority in the work of the Committee during the coming three months. He made it clear that the goals set out in the new work programme could only be achieved if the Executive Directorate became fully operational in the shortest possible time.¹⁶⁰

Speakers supported the new work programme. At the same time, speakers were concerned about the growing number of countries not meeting their reporting obligations,¹⁶¹ the representative of Denmark seeing reports as “the backbone” of the Committee’s ability to monitor implementation. While stressing that the responsibility for implementation lay with States, he also called for the Committee to develop ways to assist countries to overcome problems.¹⁶² Speakers emphasized the role of the Committee in respect of assessing States’ assistance needs.¹⁶³ Other delegations also pointed out the significance of country visits to generate greater understanding.¹⁶⁴

Many speakers regarded it as essential to enhance cooperation with international and regional organizations¹⁶⁵ and to further strengthen the coordination among counter-terrorism bodies of the

Security Council.¹⁶⁶ The representative of the United States proposed, as concrete steps, to hold regular meetings among the experts assigned to support the Council’s terrorism-related bodies, to hold regular joint and open meetings of the Committee Chairmen for the wider United Nations membership and to draw up joint work programmes of the Counter-Terrorism Committee Executive Directorate and the Monitoring Team.¹⁶⁷ The representative of Romania encouraged the Council to envisage joint visits of the Committees.¹⁶⁸ According to the representative of Algeria, coordinating the schedule of visits deserved particular attention.¹⁶⁹

In the context of enhancing cooperation among United Nations bodies, several delegations supported the recommendations of the High-level Panel on Threats, Challenges and Change with regard to the role of the United Nations in developing a comprehensive and global strategy to fight terrorism.¹⁷⁰

At the end of the meeting, the President (Argentina) made a statement on behalf of the Council,¹⁷¹ by which the Council, *inter alia*:

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to peace and security;

Invited the Counter-Terrorism Committee to pursue its agenda as set out in the work programme for the fourteenth 90-day period;

Noted the importance of continuing the efforts of the Committee in the following key areas: to enhance the capabilities of Member States to combat terrorism, to identify and address the problems faced by States in implementing resolution 1373 (2001), to facilitate the provision of technical assistance and cooperation adjusted to the recipient countries’ needs, to encourage the largest possible number of States to become parties to the international conventions and protocols related to counter-terrorism, and to strengthen its dialogue and cooperation with international, regional and subregional

¹⁶⁰ S/PV.5113, pp. 2-5.

¹⁶¹ *Ibid.*, p. 5 (Denmark); p. 7 (United Kingdom); p. 9 (Philippines); p. 10 (France); p. 14 (Romania); and p. 15 (Algeria).

¹⁶² *Ibid.*, p. 5.

¹⁶³ *Ibid.*, p. 6 (China); p. 8 (United Republic of Tanzania); pp. 10-11 (France); p. 13 (Brazil); p. 15 (Algeria); and p. 17 (Greece).

¹⁶⁴ *Ibid.*, p. 7 (United Kingdom); p. 8 (United Republic of Tanzania); p. 9 (Philippines); p. 10 (France); p. 13 (Brazil, Romania); p. 15 (Benin); p. 16 (Algeria); p. 17 (Greece); p. 19 (Argentina); p. 20 (Luxembourg, on behalf of the European Union); and p. 21 (Kazakhstan).

¹⁶⁵ *Ibid.*, pp. 5-6 (Denmark); p. 6 (China); p. 7 (United Kingdom); p. 10 (Philippines); p. 12 (United States); pp. 12-13 (Brazil); p. 15 (Algeria); p. 17 (Greece, Japan); p. 19 (Argentina); and p. 20 (Luxembourg, on behalf of the European Union); and p. 21 (Kazakhstan).

¹⁶⁶ *Ibid.*, p. 6 (China); p. 10 (Philippines, France); pp. 11-12 (United States); pp. 12-13 (Brazil); p. 14 (Romania); p. 16 (Algeria); p. 18 (Japan); and p. 19 (Argentina).

¹⁶⁷ *Ibid.*, pp. 11-12.

¹⁶⁸ *Ibid.*, p. 14.

¹⁶⁹ *Ibid.*, p. 16.

¹⁷⁰ *Ibid.*, p. 5 (Denmark); p. 7 (United Kingdom); p. 11 (France); pp. 12-13 (Brazil); pp. 13-14 (Romania); pp. 19-20 (Luxembourg, on behalf of the European Union); and pp. 22-23 (Liechtenstein).

¹⁷¹ S/PRST/2005/3.

organizations acting in the areas outlined in resolution 1373 (2001);

Noted that, as of 16 December 2004, 75 States had not submitted their respective reports to the Committee in time, and called upon them to do so.

**Decision of 7 July 2005 (5223rd meeting):
resolution 1611 (2005)**

At the 5223rd meeting, on 7 July 2005, the President (Greece) drew the attention of the Council to a draft resolution;¹⁷² it was put to the vote and adopted unanimously and without debate as resolution 1611 (2005), by which the Council, inter alia:

Condemned without reservation the terrorist attacks in London on 7 July 2005;

Expressed its deepest sympathy and condolences to the victims of those terrorist attacks and their families, and to the people and Government of the United Kingdom;

Urged all States to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of those barbaric acts;

Expressed its utmost determination to combat terrorism in accordance with its responsibilities under the Charter of the United Nations.

**Decision of 8 July 2005 (5224th meeting):
statement by the President**

At the 5224th meeting, on 8 July 2005, the President (Greece) drew the attention of the Council to a letter dated 7 July 2005 from the representative of Egypt to the President of the Council, in which he reported that the recently appointed Head of the Egyptian Mission to Iraq had been killed on 7 July 2005, four days after his kidnapping in Baghdad by a group of terrorists who had claimed responsibility for that act.¹⁷³ The President then made a statement on behalf of the Council,¹⁷⁴ by which the Council, inter alia:

Condemned in the strongest possible terms the assassination of the Head of the Egyptian Mission to Iraq and expressed its condolences to the family of the victim and to the Government and people of Egypt;

Also condemned all terrorist attacks in Iraq, including the attempted assassinations of diplomats from Bahrain and Pakistan and attacks against other civilian personnel;

Emphasized that there could be no justification for such terrorist acts and underlined the need to bring to justice the perpetrators;

Reaffirmed its unwavering support for the Iraqi people in their political transition;

Recognized the important role of Egypt and other neighbouring countries in supporting the political process, helping to control transit across Iraq's borders, and extending other support to the Iraqi people.

**Decision of 27 July 2005 (5239th meeting):
statement by the President**

At the 5239th meeting, on 27 July 2005, the President (Greece) made a statement on behalf of the Council,¹⁷⁵ by which the Council, inter alia:

Unequivocally condemned the terrorist attacks that had taken place in Sharm el-Sheikh, Egypt, on 23 July 2005, underlined the need to bring those responsible to justice and urged all States to cooperate actively with the Egyptian authorities in this regard;

Reiterated its determination to combat all forms of terrorism in accordance with its responsibilities under the Charter.

**Decision of 27 July 2005 (5240th meeting):
statement by the President**

At the 5240th meeting, on 27 July 2005, the President (Greece) made a statement on behalf of the Council,¹⁷⁶ by which the Council, inter alia:

Condemned in the strongest possible terms the assassination, on 27 July 2005, of the two Algerian diplomats accredited to the Algerian Embassy to Iraq, and expressed its condolences to the families of the victims and to the Government and people of Algeria;

Emphasized that there could be no justification for such terrorist acts and underlined the need to bring to justice the perpetrators;

Reaffirmed its unwavering support for the Iraqi people in their political transition, as outlined in resolution 1546 (2004); and also reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq and called upon the international community to stand by the Iraqi people in their pursuit of peace, stability and democracy.

**Decision of 29 July 2005 (5244th meeting):
resolution 1617 (2005)**

¹⁷² S/2005/437.

¹⁷³ S/2005/438.

¹⁷⁴ S/PRST/2005/29.

¹⁷⁵ S/PRST/2005/36.

¹⁷⁶ S/PRST/2005/37.

At the 5244th meeting, on 29 July 2005, the President (Greece) drew the attention of the Council to a draft resolution;¹⁷⁷ it was put to the vote and adopted unanimously and without debate as resolution 1617 (2005), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that all States should take the measures as previously imposed with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, namely, (a) freeze without delay the funds and other financial assets or economic resources of those individuals; (b) prevent the entry into or the transit through their territories of those individuals; (c) prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities of arms and related materiel of all types;

Also decided that acts or activities indicating that an individual, group, undertaking or entity was "associated with" Al-Qaida, Osama bin Laden or the Taliban included participating in the supplying, selling or transferring of arms to, recruiting for, or otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban;

Decided that, when proposing names for the Consolidated List, States should act in accordance with paragraph 17 of resolution 1526 (2004);

Decided that the statement of case submitted by the designating State might be used by the Committee in responding to queries from Member States whose nationals, residents or entities had been included on the Consolidated List; decided also that the Committee might decide on a case-by-case basis to release the information to other parties, with the prior consent of the designating State; decided further that States might continue to provide additional information which should be kept on a confidential basis within the Committee;

Decided, in order to assist the Committee in the fulfilment of its mandate, to extend the mandate of the New York-based Monitoring Team for a period of 17 months, under the direction of the Committee, with the responsibilities outlined in annex I to the resolution;

Requested the Secretary-General, upon adoption of the resolution and acting in close consultation with the Committee, to appoint, consistent with United Nations rules and procedures, no more than eight members, including a coordinator, to the Monitoring Team;

Decided to review the measures described above with a view to their possible further strengthening in 17 months, or sooner if necessary.

¹⁷⁷ S/2005/495.

Decision of 4 August 2005 (5246th meeting): resolution 1618 (2005)

At the 5246th meeting, on 4 August 2005, the President (Japan) drew the attention of the Council to a draft resolution.¹⁷⁸ Statements were made by several Council members¹⁷⁹ as well as by the representative of Iraq.

The draft resolution was put to the vote and adopted unanimously as resolution 1618 (2005), by which the Council, *inter alia*:

Condemned in the strongest terms the terrorist attacks that had taken place in Iraq, and regarded any act of terrorism as a threat to peace and security;

Took note in particular of the attacks in recent weeks which had resulted in over one hundred deaths;

Noted with great concern that attacks on foreign diplomats in Iraq had increased in number and had resulted in the murder or kidnapping of such diplomats;

Expressed its deepest sympathy and condolences to the victims of those terrorist attacks and their families;

Affirmed that acts of terrorism must not be allowed to disrupt Iraq's political and economic transition currently taking place; urged Member States to prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists; and re-emphasized the importance of strengthening the cooperation of the countries in the region;

Urged all States to cooperate actively in efforts to find and bring to justice the perpetrators of those acts;

Expressed its utmost determination to combat terrorism, in accordance with its responsibilities under the Charter;

Called upon the international community to support fully the Government of Iraq in exercising its responsibilities to provide protection to the diplomatic community, United Nations staff and other foreign civilian personnel working in Iraq.

Speakers strongly condemned the series of attacks that had taken place in Iraq. They referred to the crucial period ahead in the transition of Iraq for which the completion of a draft constitution was seen as a milestone. Speakers concurred that a draft had to be finalized by way of an inclusive process and should reflect consensus among all segments of the Iraqi population.

¹⁷⁸ S/2005/494.

¹⁷⁹ The representatives of Benin, Denmark, Greece, the Philippines and the United Republic of Tanzania did not make statements.

The representative of the United States saw the importance of resolution 1618 (2005) in, inter alia, its illustration of the similarity of terrorist threats in Iraq to those in many other parts of the world and the importance it attached to cooperation among all Member States to halt the flow of terrorists, weapons and terrorist financing to Iraq.¹⁸⁰ The representative of Algeria stated that combating terrorism in Iraq must go hand in hand with heightened efforts to conclude the political process and to ensure a transition that would enable Iraq to “regain its full sovereignty”.¹⁸¹

Some speakers emphasized the special role that the neighbouring countries, the Syrian Arab Republic and the Islamic Republic of Iran, played: the representative of the United States called on those countries to adhere to the relevant Council resolutions and to implement their pledges of support to the stability in Iraq. The representative of the United Kingdom held that they could and should do more.¹⁸²

The representative of Iraq stated that while terrorism had emerged as one of the greatest challenges to international peace and security, nowhere was it as virulent and persistent as in Iraq currently. He called for efforts to agree on a comprehensive definition of terrorism and for greater allocation of resources to study and analyse terrorism, particularly the phenomenon of suicide bombers.¹⁸³

**Decision of 4 October 2005 (5274th meeting):
statement by the President**

At the 5274th meeting, on 4 October 2005, the representative of Indonesia was invited to participate. He expressed his Government’s determination to continue to cooperate with other countries to develop a comprehensive response to terrorism.¹⁸⁴ The President (Romania) made a statement on behalf of the Council,¹⁸⁵ by which the Council, inter alia:

Condemned in the strongest terms the terrorist bombings that had taken place on 1 October 2005 in Bali, Indonesia, which had again fallen victim to a heinous act of terrorism;

Underlined the need to bring the perpetrators, organizers, financiers and sponsors of those intolerable acts to justice, and

urged all States to cooperate with and provide support and assistance, as appropriate, to the Government of Indonesia in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Further reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts.

**Decision of 31 October 2005 (5298th meeting):
statement by the President**

At the 5298th meeting, on 31 October 2005, the President (Romania) made a statement on behalf of the Council,¹⁸⁶ by which the Council, inter alia:

Strongly condemned the series of bomb attacks that had occurred in New Delhi, India on 29 October 2005, causing numerous deaths and injuries, and expressed its deepest condolences to the victims of those heinous acts of terrorism and their families, and to the people and the Government of India;

Stressed the importance of bringing the perpetrators, organizers, financiers and sponsors of those reprehensible acts of violence to justice, and urged all States to cooperate actively with the Indian authorities in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

**Decision of 10 November 2005 (5303rd meeting):
statement by the President**

At the 5303rd meeting, on 10 November 2005, the representative of Jordan was invited to participate. He reaffirmed his country’s commitment to cooperating with the Council and to stepping up its efforts to combat terrorism, in accordance with the Charter and resolutions 1373 (2001) and 1624 (2005).¹⁸⁷ The President (Russian Federation) made a statement on behalf of the Council,¹⁸⁸ by which the Council, inter alia:

¹⁸⁶ S/PRST/2005/53.

¹⁸⁷ S/PV.5303, p. 2.

¹⁸⁸ S/PRST/2005/55.

¹⁸⁰ S/PV.5246, pp. 2-3.

¹⁸¹ Ibid., p. 3.

¹⁸² Ibid., p. 3 (United States); and p. 4 (United Kingdom).

¹⁸³ Ibid., pp. 6-8.

¹⁸⁴ S/PV.5274, pp. 2-3.

¹⁸⁵ S/PRST/2005/45.

Condemned in the strongest terms the terrorist bombings that had taken place in Amman on 9 November 2005;

Expressed its deepest sympathy and condolences to the victims of those attacks and their families, and to the people and the Government of Jordan;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and the need to combat such threats by all means;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

Decision of 21 December 2005 (5338th meeting): statement by the President

At the 5338th meeting, on 21 December 2005, the President (United Kingdom) drew the attention of the Council to a letter dated 15 December 2005 from the Chairman of the Counter-Terrorism Committee to the President of the Council.¹⁸⁹ He then made a statement on behalf of the Council,¹⁹⁰ by which the Council, inter alia:

Welcomed the fact that the Counter-Terrorism Committee, in consultation with the Secretary-General, had decided to declare the Counter-Terrorism Committee Executive Directorate operational on 15 December 2005;

Recalled that mandate of the Directorate flowed from that of the Committee and reaffirmed that the Committee had the sole responsibility for providing policy guidance to the Directorate;

Agreed with the Secretary-General and with the Committee that there was a need to clarify the Directorate's reporting lines, within the framework of resolution 1535 (2004), and welcomed the Secretary-General's initiative in this regard;

Welcomed the integration into the work of the Counter-Terrorism Committee of the issue of implementation by Member States of resolution 1624 (2005).

Decision of 25 April 2006 (5424th meeting): statement by the President

At the 5424th meeting, on 25 April 2006, the representative of Egypt was invited to participate. The

President (China) made a statement on behalf of the Council,¹⁹¹ by which the Council, inter alia:

Condemned in the strongest terms the terrorist bombings that had taken place in Dahab, Egypt, on 24 April 2006;

Underlined the need to bring the perpetrators, organizers, financiers and sponsors of those intolerable acts to justice, and urged all States to cooperate with and provide support and assistance, as appropriate, to the Government of Egypt in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Further reaffirmed the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts.

Deliberations of 30 May 2006 (5446th meeting)

At the 5446th meeting, on 30 May 2006, for the first time, the Council heard joint briefings by the Chairs of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban, the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004). Statements were made by most members of the Council¹⁹² and the representatives of Austria (on behalf of the European Union and associated countries), Cuba, the Islamic Republic of Iran, Israel, Liechtenstein, Switzerland, the Syrian Arab Republic, Ukraine (on behalf also of Azerbaijan, Georgia and the Republic of Moldova) and Venezuela (Bolivarian Republic of).

The Chair of the Committee established pursuant to resolution 1267 (1999) reported on the work of the Committee during the past three months and named the improvement of the quality of the List as one of the Committee's priorities. He reported about his visits to Qatar, Yemen and Saudi Arabia pursuant to resolution 1617 (2005) and the Monitoring Team's visits to Africa, Asia and Europe to discuss issues related to the effective implementation of the sanctions regime. He renewed the invitation to States to send representatives to a Committee meeting to be informed about problems

¹⁸⁹ S/2005/800, transmitting the report of the Counter-Terrorism Committee for consideration by the Council as part of its comprehensive review of the Counter-Terrorism Committee Executive Directorate.

¹⁹⁰ S/PRST/2005/64.

¹⁹¹ S/PRST/2006/18.

¹⁹² The representatives of Argentina and Slovakia briefed the Council in their capacity as the Chairs of the Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), respectively, but did not make statements in their capacity as national representatives.

that States might experience when dealing with the implementation of sanctions, and reported that a group of States had already taken this opportunity. He also elaborated on two notes verbales the Committee had sent to States with an aim to improving their implementation efforts and which provided clarifications regarding the exceptions provided for in the asset freeze and the delisting procedure for deceased individuals. He stated that the Monitoring Team continued to provide professional assistance to the Committee, by presenting proposals for further improving the List and strengthening its links with relevant international and regional organizations and other United Nations bodies, including coordination of its travel plans with the Counter-Terrorism Committee Executive Directorate. As to future work, he announced that the Committee would, *inter alia*, revise its procedures for the listing and delisting of names and continue to discuss how to enhance cooperation with the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004).¹⁹³

The Chair of the Counter-Terrorism Committee briefed the Council on the Committee's activities since February 2006 and presented the work programme for the three-month period ending 30 June 2006. Referring to States' concerns about extensive reporting requests, she stated that the Committee continued to discuss how to enhance cooperation with the other two Committees with regard to revising the reporting regime. She emphasized that the reports were the solid foundation of and indispensable for the Committee's work in advising and assisting States in their implementation of resolution 1373 (2001). She reported on an analytical tool currently being tested that would monitor the extent to which States had implemented their obligations, stating that it was also created to ease their reporting burdens. Country visits continued to be an important part of enhancing dialogue with Member States, and the Committee had strengthened its relationship with several African regional and subregional organizations, the Caribbean Community and the Pacific Islands Forum. Referring to the concerted efforts of the Pacific Islands Forum and donors to ensure that its members reported to the Committee on time, she said she considered this type of regional cooperation to be very

fruitful and hoped that other regions could be inspired by such cooperation.¹⁹⁴

The Chair of the Committee established pursuant to resolution 1540 (2004) noted the need for a lasting effort by the Council to monitor and support the efforts of States to fully implement the resolution and stated that the Council had extended the Committee's mandate for two years until 27 April 2008. The Committee would focus on facilitation of reporting and conduct of outreach activities to promote States' reporting and implementation of resolution 1540 (2004). He announced that the Committee, through its experts, would continue to act as a clearing house for assistance, including by collecting up-to-date information on the issue. He also announced that, in order to contribute to capacity-building, the Committee would invite States offering assistance and States requesting assistance to take a proactive approach on a bilateral basis, including making use of offers by international organizations.¹⁹⁵

Representatives, in view of the gravity of the threat that terrorism was posing, called for the adoption of a global and comprehensive counter-terrorism strategy such as recently proposed by the Secretary-General. They welcomed the work that the Committees had carried out so far and supported the future priorities outlined by the Chairs.

Regarding the work of the Committee concerning Al-Qaida and the Taliban, speakers welcomed its visits as productive and encouraging but strongly reiterated the need to address the issue of procedural fairness in listing and delisting persons or entities. Speakers in general called for ensuring legality and transparency in the listing and delisting process. On due process guarantees and the issue of delisting, the representative of Denmark reminded the Council of her proposal made previously to establish an independent review mechanism in the form of an ombudsman to which individuals and entities on that Committee's List would have direct access and which would make independent recommendations to the Committee for its consideration.¹⁹⁶ The representative of France proposed setting up a focal point within the Secretariat which would directly receive requests for delisting or exemption from listed individuals. He considered that the setting up of a single focal point for the various

¹⁹³ S/PV.5446, pp. 2-5.

¹⁹⁴ *Ibid.*, pp. 5-7.

¹⁹⁵ *Ibid.*, pp. 8-10.

¹⁹⁶ S/PV.5446, p. 8.

sanctions committees would make the procedures “more accessible, clearer and more standardized”.¹⁹⁷

The representative of Qatar stated that there was a need to move from comprehensive sanctions to targeted sanctions¹⁹⁸ and that these were not only a political but also a legal tool for which the Council must take human rights into consideration.¹⁹⁹ The representative of Switzerland presented the main findings and recommendations of a report that his Government together with Germany and Sweden had commissioned on strengthening the implementation of targeted sanctions by addressing concerns of due process.²⁰⁰ That report concluded, *inter alia*, that, despite many improvements in sanctions measures over time, shortcomings remained with regard to listing, delisting, notification of individuals and entities and especially the right to an effective remedy and that those shortcomings might violate basic principles of human rights protection. The representative of Switzerland proposed addressing those issues step by step, starting with the most urgent issues. Those included the development of standards for statements of case, a periodic review of listings and the designation of a focal point to deal with all delisting and exemption requests as well as to notify targets of listing.²⁰¹

Regarding the work of the Committee established pursuant to resolution 1540 (2004), speakers welcomed the extension of its mandate and the outreach activities it had been planning. They saw a need to strengthen the monitoring system on the proliferation of weapons of mass destruction.

Referring to the work of the Counter-Terrorism Committee, delegations welcomed the new preliminary assessment tool and expressed their appreciation for the fact that the Committee had started to shift its focus from reporting by States on their implementation to active dialogue with States.

Most speakers called for continuing to strengthen cooperation among the three Committees since this would, as the representative of Ghana pointed out,

¹⁹⁷ *Ibid.*, p. 22.

¹⁹⁸ For more information on the discussion of targeted sanctions, see chap. XI, part III, sect. B, with regard to Article 41 (1) of the Charter.

¹⁹⁹ S/PV.5446, pp. 13-14.

²⁰⁰ See A/60/887-S/2006/331.

²⁰¹ S/PV.5446, pp. 27-29.

enhance the international community’s effort to address “the ever-evolving nature of terrorism”.²⁰² The representative of Japan proposed consolidating visits of the committees. He said that rationalizing visits would not only ease the burden on the States visited but would also create an enhanced cooperative relationship between the Committees and those States.²⁰³ The representative of the United States said that the Committees should speak with one voice to succeed in counter-terrorism efforts, and to do so, the Counter-Terrorism Committee Executive Directorate and the Monitoring Team must conduct more joint visits or at least coordinate their visits and share information obtained on the visits and coordinate the follow-up.²⁰⁴

Among the delegations that elaborated on being directly affected by terrorist acts, the representatives of Cuba and Venezuela (Bolivarian Republic of) accused the United States of supporting impunity for terrorist acts by providing a safe haven to persons accused in their respective countries of having committed terrorist acts.²⁰⁵ The representative of Israel accused the Islamic Republic of Iran and the Syrian Arab Republic of providing finance and a safe haven to organizations that committed terrorist activities in Israel.²⁰⁶ On the other hand, the representatives of the Islamic Republic of Iran and the Syrian Arab Republic stated that the Arab region was suffering from terrorism in general and from “State terrorism” by Israel.²⁰⁷

**Decision of 29 June 2006 (5477th meeting):
statement by the President**

At the 5477th meeting, on 29 June 2006, the President (Denmark) made a statement on behalf of the Council,²⁰⁸ by which the Council, *inter alia*:

[Stated that it] was appalled by the horrific death of members of the Russian diplomatic mission in Iraq;

Condemned in the strongest possible terms that crime committed by the terrorists and conveyed its deepest sympathy and condolences to the families of the deceased, and the people and the Government of the Russian Federation;

²⁰² *Ibid.*, pp. 16-17.

²⁰³ *Ibid.*, p. 15.

²⁰⁴ *Ibid.*, p. 19.

²⁰⁵ *Ibid.*, pp. 29-30 (Cuba); and pp. 34-35 (Venezuela, Bolivarian Republic of).

²⁰⁶ *Ibid.*, pp. 31-33.

²⁰⁷ *Ibid.*, p. 36 (Syrian Arab Republic); and p. 38 (Islamic Republic of Iran).

²⁰⁸ S/PRST/2006/29.

Confirmed that no cause could justify such acts of terror as that crime and previous attacks on foreign diplomats committed by the terrorists, and reaffirmed its utmost determination to combat terrorism;

Urged all States to cooperate actively in efforts to find and bring to justice the perpetrators, organizers and sponsors of those barbaric acts;

Called upon the international community to support the Government of Iraq in exercising its responsibility to provide protection to the diplomatic community in Iraq;

Underlined the importance of continuing the efforts of the Government of Iraq and the multinational force in combating terrorism and improving security in Iraq;

Commended the Government of Iraq for initiating the Reconciliation and National Dialogue Plan;

Reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq.

Decision of 12 July 2006 (5484th meeting): statement by the President

At the 5484th meeting, on 12 July 2006, the representative of India was invited to participate. The President (France) made a statement on behalf of the Council,²⁰⁹ by which the Council, inter alia:

Condemned in the strongest terms the series of bomb attacks that had occurred in different parts of India, including Mumbai, on 11 July 2006, causing numerous deaths and injuries, and expressed its deepest sympathy and condolences to the victims of those heinous acts of terrorism and their families, and to the people and the Government of India;

Underlined the need to bring the perpetrators, organizers, financiers and sponsors of those reprehensible acts of terrorism to justice, and urged all States to cooperate actively with the Indian authorities in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

Decision of 20 December 2006 (5600th meeting): statement by the President

At the 5600th meeting, on 20 December 2006, the President (Qatar) drew the attention of the Council to a letter dated 18 December 2006 from the Chairman of

²⁰⁹ S/PRST/2006/30.

the Counter-Terrorism Committee.²¹⁰ He then made a statement on behalf of the Council,²¹¹ by which the Council, inter alia:

Reaffirmed that terrorism constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable;

Reiterated its call upon States to become parties to all relevant international conventions and protocols relating to terrorism, and to make full use of the sources of assistance and guidance which were available;

Reminded States that they must ensure that any measures taken to combat terrorism complied with all their obligations under international law, in particular international human rights, refugee and humanitarian law;

Called upon the relevant United Nations departments, programmes and specialized agencies to consider how to pursue counter-terrorism objectives;

Encouraged the Counter-Terrorism Committee to report to the Council on any outstanding issues;

Stressed that the mandate of the Counter-Terrorism Committee Executive Directorate flowed from that of the Committee;

Endorsed the recommendation of the Committee with regard to the Directorate's reporting lines so that the Directorate would thenceforth present its draft work programmes and its semi-annual reports directly to the Committee.

Decision of 22 December 2006 (5609th meeting): resolution 1735 (2006)

At the 5609th meeting, on 22 December 2006, at which the representative of Qatar made a statement, the President (Qatar) drew the attention of the Council to a draft resolution submitted by Argentina, Denmark, France, Greece, Japan, Peru, the Russian Federation, Slovakia, the United Kingdom, the United Republic of Tanzania and the United States.²¹² The draft resolution was then put to the vote and adopted unanimously as resolution 1735 (2006), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that all States should take the measures previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), with respect to

²¹⁰ S/2006/989, transmitting the report of the Counter-Terrorism Committee for consideration by the Council as part of its comprehensive review of the Counter-Terrorism Committee Executive Directorate.

²¹¹ S/PRST/2006/56.

²¹² S/2006/1013.

Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them;

Decided that, when proposing names to the Committee established pursuant to resolution 1267 (1999) for inclusion on the Consolidated List, States should act in accordance with paragraph 17 of resolution 1526 (2004) and paragraph 4 of resolution 1617 (2005) and provide a statement of case; the statement of case should provide as much detail as possible on the basis(es) for the listing;

Decided that the Committee should continue to develop, adopt and apply guidelines regarding the delisting of individuals and entities on the Consolidated List;

Decided to extend the period for consideration by the Committee of notifications submitted pursuant to paragraph 1 (a) of resolution 1452 (2002) from 48 hours to three working days;

Decided, in order to assist the Committee in the fulfilment of its mandate, to extend the mandate of the current New York-based Monitoring Team, appointed by the Secretary-General pursuant to paragraph 20 of resolution 1617 (2005), for a further period of 18 months.

The representative of Qatar expressed concern about the appointment of the members of the Monitoring Team, stating that in this respect the resolution went beyond the established United Nations rules of procedure and beyond the authority and mandate of the sanctions committees. He stressed that it disregarded methods of dialogue, consultation and cooperation that should govern the selection of the members. He said that certain elements enjoying a preponderant role in the Team did not display the required degree of professionalism and transparency and that some of the Team's methods harmed the interests of certain States or religions. He concluded that the resolution should not serve as a precedent for appointing experts to monitoring teams created by sanctions committees.²¹³

**Decision of 12 April 2007 (5659th meeting):
statement by the President**

At the 5659th meeting, on 12 April 2007, the representative of Algeria was invited to participate. The President (United Kingdom) made a statement on behalf of the Council,²¹⁴ by which the Council, inter alia:

Condemned in the strongest terms the two suicide attacks that had occurred in Algiers on 11 April 2007, causing numerous deaths and injuries, and expressed its deep sympathy and

²¹³ S/PV.5609, p. 2.

²¹⁴ S/PRST/2007/10.

condolences to the victims of those heinous acts of terrorism and their families, and to the people and the Government of Algeria;

Underlined the need to bring the perpetrators, organizers, financiers and sponsors of those reprehensible acts of terrorism to justice, and urged all States to cooperate actively with the Algerian authorities in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

**Decision of 13 April 2007 (5662nd meeting):
statement by the President**

At the 5662nd meeting, on 13 April 2007, the President (United Kingdom) made a statement on behalf of the Council,²¹⁵ by which the Council, inter alia:

Condemned in the strongest terms the terrorist attack in Iraq that had targeted the democratically elected Council of Representatives; and expressed its deep sympathy and condolences to the victims of that heinous act of terrorism and their families, and to the people and the Government of Iraq;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Strongly supported efforts to promote national dialogue, reconciliation and broad political participation in ensuring unity, peace, security and stability in Iraq;

Reaffirmed its continued support for the Iraqi people and Government as they rebuilt their country and strengthened the foundations of sustainable peace, constitutional democracy and social and economic progress.

**Decision of 9 July 2007 (5714th meeting):
statement by the President**

At the 5714th meeting, on 9 July 2007, the representatives of Spain and Yemen were invited to participate. The President (China) made a statement on behalf of the Council,²¹⁶ by which the Council, inter alia:

Unequivocally condemned the terrorist attack that had taken place in Marib, Yemen, on 2 July 2007; and expressed its

²¹⁵ S/PRST/2007/11.

²¹⁶ S/PRST/2007/26.

deepest sympathy and condolences to the victims of the attack and their families;

Underlined the need to bring the perpetrators to justice and urged all States to cooperate with and provide support and assistance to the Government of Yemen in this regard;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed.

**Decision of 7 September 2007 (5738th meeting):
statement by the President**

At the 5738th meeting, on 7 September 2007, the representative of Algeria was invited to participate. The President (France) made a statement on behalf of the Council,²¹⁷ by which the Council, inter alia:

Condemned in the strongest terms the terrorist attack that had occurred in Batna, Algeria, on 6 September 2007, causing numerous deaths and injuries;

Underlined the need to bring perpetrators, organizers, financiers and sponsors of that reprehensible act of terrorism to justice;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

**Decision of 5 October 2007 (5754th meeting):
statement by the President**

At the 5754th meeting, on 5 October 2007, the representative of Poland was invited to participate. The President (Ghana) made a statement on behalf of the Council,²¹⁸ by which the Council, inter alia:

Condemned the attack in Baghdad against the Ambassador of Poland to Iraq on 3 October 2007, which had resulted in the wounding of the Ambassador, the killing of one member of his personal security detachment team and injuries to two others;

Expressed its deepest sympathy and condolences to the victims of the attack and to their families, and to the Government of the Republic of Poland;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Further reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts.

**Decision of 22 October 2007 (5764th meeting):
statement by the President**

At the 5764th meeting, on 22 October 2007, the representative of Pakistan was invited to participate. The President (Ghana) made a statement on behalf of the Council,²¹⁹ by which the Council, inter alia:

Condemned in the strongest terms the bomb attacks that had occurred in Karachi, Pakistan, on 18 October 2007, causing numerous deaths and injuries, and expressed its deep sympathy and condolences to the victims of that heinous act of terrorism and their families, and to the people and the Government of Pakistan;

Underlined the need to bring perpetrators, organizers, financiers and sponsors of that reprehensible act of terrorism to justice;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Further reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts; and reminded States that they must ensure that any measures taken to combat terrorism complied with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

**Decision of 10 December 2007 (5795th meeting):
resolution 1787 (2007)**

At the 5795th meeting, on 10 December 2007, at which statements were made by the representatives of Panama and Qatar, the President (Italy) drew the attention of the Council to a draft resolution submitted by Belgium, the Democratic Republic of the Congo, France, Italy, Panama, the Russian Federation, Slovakia, the United Kingdom and the United States.²²⁰ The draft resolution was put to the vote and adopted unanimously as resolution 1787 (2007), by which the Council, inter alia:

²¹⁷ S/PRST/2007/32.

²¹⁸ S/PRST/2007/36.

²¹⁹ S/PRST/2007/39.

²²⁰ S/2007/718.

Decided to extend the initial period referred to in paragraph 2 of resolution 1535 (2004) until 31 March 2008;

Requested the Executive Director of the Counter-Terrorism Committee Executive Directorate, within 60 days of the adoption of the resolution and in consultation with members of the Council, to recommend such changes as he deemed appropriate to the organizational plan referred to in paragraph 4 of resolution 1535 (2004), and to submit them to the Counter-Terrorism Committee for its consideration and endorsement prior to the expiration of the period referred to above.

The representative of Panama said that the decision to postpone the review of the mandate of the Counter-Terrorism Committee Executive Directorate was justified because of the recent appointment of the new Executive Director.²²¹

The representative of Qatar was of the opinion that the Council did not work with a clear definition of terrorism and failed to deal with its root causes. He therefore reiterated his call to the Council and its relevant committees to work to find a clear definition of this phenomenon and its root causes. Furthermore, he stressed the need to seriously consider the future of the Executive Directorate and the possibility of annexing it to the Counter-Terrorism Implementation Task Force since he saw a lack of accuracy and balance in the evaluation by the Counter-Terrorism Committee and the Directorate of the efforts of Member States to implement resolution 1373 (2001) and an imbalance in the coordination of visits to countries of the South in comparison with countries of the North. He also saw a particular focus on the technical assistance provided by countries of the North and a lack of attention to the extent to which they were committed to the rules and norms of international law and human rights law and the implementation of resolution 1373 (2001).²²²

**Decision of 11 December 2007 (5798th meeting):
statement by the President**

At the 5798th meeting, on 11 December 2007, the representative of Algeria was invited to participate. The President (Italy) made a statement on behalf of the Council,²²³ by which the Council, inter alia:

²²¹ S/PV.5795, p. 2.

²²² Ibid., pp. 2-3.

²²³ S/PRST/2007/45.

Condemned in the strongest terms the terrorist attacks that had occurred in Algiers on 11 December 2007 near the Supreme Court and the United Nations offices, causing numerous deaths and injuries, and expressed its deep sympathy and condolences to the victims of that heinous act of terrorism and their families, and to the people and the Government of Algeria; expressed its deep sympathy and condolences to the United Nations staff, and their families, who were among the victims in one of those attacks, and to the Secretary-General;

Underlined the need to bring perpetrators, organizers, financiers and sponsors of that reprehensible act of terrorism to justice;

Reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed;

Reaffirmed the need to combat by all means threats to international peace and security caused by terrorist acts;

Reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter.

**Decision of 27 December 2007 (5816th meeting):
statement by the President**

At the 5816th meeting, on 27 December 2007, the representative of Pakistan was invited to participate. The President (Italy) made a statement on behalf of the Council,²²⁴ by which the Council, inter alia:

Condemned in the strongest terms the terrorist suicide attack by extremists that had occurred in Rawalpindi, Pakistan, on 27 December 2007, causing the death of former Prime Minister Benazir Bhutto and numerous other casualties, and expressed its deep sympathy and condolences to the victims of that heinous act of terrorism and their families, and to the people and the Government of Pakistan;

Reaffirmed the need to combat by all means, in accordance with the Charter of United Nations, threats to international peace and security caused by terrorist acts; and reminded States that they must ensure that any measures taken to combat terrorism complied with all their obligations under international law, in particular international human rights, refugee and humanitarian law.

²²⁴ S/PRST/2007/50.

39. Protection of civilians in armed conflict

Deliberations of 14 June 2004 (4990th meeting)

At its 4990th meeting, on 14 June 2004, the Security Council included in its agenda a report of the Secretary-General on the protection of civilians in armed conflict.¹ The Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. Following the briefing, statements were made by all Council members and 20 other speakers.²

In his report, the Secretary-General recalled that, in December 2003, the Under-Secretary-General for Humanitarian Affairs had presented to the Security Council the elements of a 10-point platform on the protection of civilians in armed conflict. The platform embodied many of the key issues set out in the broader protection framework provided by the aide-memoire on the protection of civilians, an updated version of which the Council had adopted on 15 December 2003.³ The report examined the issues outlined in the platform and identified specific ways in which performance could be improved. Among other points, the Secretary-General observed that, in line with Council resolution 1296 (2000) of 19 April 2000, mandates of peacekeeping operations had been broadened to allow troops to physically protect civilians under imminent threat of violence, as seen in the mandates of the United Nations Mission in Sierra Leone (UNAMSIL);⁴ the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC);⁵ the United Nations Mission in Liberia (UNMIL);⁶ the United Nations Operation in Côte d'Ivoire (UNOCI);⁷ and the United

Nations Operation in Burundi (ONUB).⁸ The inclusion of programmes for the disarmament, demobilization, reintegration and rehabilitation of combatants in the mandates of UNAMSIL, the United Nations Assistance Mission in Afghanistan,⁹ and further in the mandates of MONUC, UNMIL, UNOCI and ONUB; and of measures to protect refugees and returnees in decisions relating to UNOCI and ONUB was also key to meeting protection needs. Furthermore, by stressing in its resolutions that human rights violations and denial of humanitarian access were unacceptable, the Council had reinforced a message which humanitarian and other actors on the ground could use. The Secretary-General noted that the Council should continue to systematically emphasize these concerns. He stressed that efforts to deter war crimes, crimes against humanity and genocide and to break the prevailing culture of impunity in situations of armed conflict had been boosted by the establishment of the International Criminal Court and the jurisprudence of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, as well as the Special Court for Sierra Leone.

The Secretary-General recalled in his report that the Council had made a number of important commitments to the protection of civilians, by its resolutions 1265 (1999) and 1296 (2000). Issues already identified by the Council, which formed the basis of the 10-point platform, were (a) improving humanitarian access; (b) improving the safety and security of humanitarian personnel; (c) improving measures to respond to the security needs of refugees and internally displaced persons; (d) ensuring that the special protection and assistance requirements of children in armed conflict were fully addressed; (e) ensuring that the special protection and assistance requirements of women in armed conflict were fully addressed; (f) addressing shortcomings in the approach to disarmament, demobilization, reintegration and rehabilitation; (g) addressing the impact of small arms and light weapons on civilians; (h) combating

¹ S/2004/431.

² The representatives of Argentina, Canada (on behalf also of Australia and New Zealand), Colombia, Côte d'Ivoire, Ecuador, Egypt, Fiji, Ireland (on behalf of the European Union), Japan, Liechtenstein, Malaysia, Mexico, Myanmar, Nepal, Norway, South Africa, Switzerland, the Syrian Arab Republic, Uganda and Ukraine.

³ S/PRST/2003/27, annex.

⁴ Resolution 1270 (1999).

⁵ Resolution 1417 (2002).

⁶ Resolution 1509 (2003).

⁷ Resolution 1528 (2004).

⁸ Resolution 1545 (2004).

⁹ Resolution 1401 (2002).

impunity; (i) developing further measures to promote the responsibility of armed groups and non-State actors; and (j) ensuring the provision of the necessary resources to address the needs of vulnerable populations in “forgotten emergencies”. In his concluding observations, the Secretary-General noted that, in the five years since the framework to strengthen the protection of civilians in armed conflict was initiated, the system of public international order had been under unprecedented strain. He urged the international community to recommit itself to the principles of international law based on justice, peaceful settlement of disputes and respect for human dignity.

Presenting the report of the Secretary-General, the Under-Secretary-General stated that the tenth anniversary of the “collective failure to protect 800,000 defenceless men, women and children” from the brutal deaths they had suffered in Rwanda provided a chilling impetus to reflect on ways to better protect vulnerable civilian populations during crises and their immediate aftermath. He stressed that the Council’s renewed commitment to act decisively to protect civilians in armed conflict was needed now more than ever. In the years since the Council adopted its first resolution on the protection of civilians in armed conflict, peacekeeping mandates had been broadened and had assumed a stronger protection focus. Those mandates had also been complemented by swifter deployments of peacekeeping troops to avert immediate crises of protection and to restore order. In concluding, the Under-Secretary-General reiterated the Secretary-General’s recommendation in his report that the Council should consider adopting a new resolution on the protection of civilians in armed conflict. To that end, the Secretary-General had set forth a number of recommendations, including measures to enable the humanitarian community to assist in the Council’s response through more systematic provision of information on key protection issues and earlier reporting on situations of concern.¹⁰

In the ensuing debate, speakers welcomed the advances made in the protection of civilians in armed conflict, especially with regard to swifter deployment of peacekeeping forces and entrusting greater responsibility for the protection of civilians to regional organizations, but cautioned that continued impunity

¹⁰ S/PV.4990, pp. 2-6.

and increased attacks against humanitarian personnel, as well as acts of terrorism and sexual violence against civilians posed challenges that had to be addressed. Moreover, many stressed that all parties, including United Nations peacekeepers and humanitarian personnel, must demonstrate respect for human dignity and uphold the principles of international humanitarian and human rights law. Speakers also highlighted the important role which regional organizations could play in the efforts to enhance the protection of civilians. Speakers further described the protection of civilians as one of the core issues on the Council’s agenda and fundamental to the precepts of the Charter of the United Nations, owing to its link to the maintenance of international peace and security. Most speakers also highlighted, as a main challenge for the protection of civilians, the need for non-State actors to comply with international humanitarian law.

The representative of the United States encouraged the Secretary-General, the Under-Secretary-General and other key actors to present country-specific recommendations for the Council’s consideration.¹¹ The representatives of Spain, the United Kingdom, Brazil and Fiji highlighted the need for cross-cutting integration of the protection of civilians into all United Nations activities, so that that issue was not seen as an isolated one.¹²

Speakers emphasized the significant role the International Criminal Court could play in the international community’s fight against impunity, the representative of the United Kingdom noting the potential for the Council to make referrals to the Court’s Prosecutor for investigation.¹³ The representative of Ireland, speaking on behalf of the European Union, concurring with the Secretary-General’s observation that impunity could be a dangerous recipe for sliding back into conflict, stated that while amnesties could provide a measure for dealing with lesser crimes, they must never be granted for serious violations of international humanitarian and human rights law.¹⁴

¹¹ *Ibid.*, pp. 8-9.

¹² *Ibid.*, pp. 11-12 (Spain); pp. 18-20 (United Kingdom); pp. 20-21 (Brazil); S/PV.4990 (Resumption 1); pp. 2-3 (Fiji) and pp. 14-16 (Canada).

¹³ S/PV.4990, pp. 18-19.

¹⁴ *Ibid.*, pp. 28-29.

The representative of Romania stated that although the responsibility to protect its citizens rested with States, it was up to the Security Council to intervene when Governments were unwilling or unable to take responsibility for protecting civilians in armed conflict.¹⁵

The representative of Norway highlighted the need to achieve a clear division of labour between humanitarian actors on the one hand, and political and military actors on the other in the ongoing debate about integrated United Nations missions. While striving for greater coherence, he cautioned that humanitarian integrity must not be compromised. He urged the United Nations system and Member States to take into account the guidelines on civil-military relationships in complex emergencies elaborated by the Office for the Coordination of Humanitarian Affairs in the planning and implementation of international operations.¹⁶

The representative of Romania stressed that the emergence of non-State actors had presented the United Nations with the choice of either opening channels of dialogue to engage such armed groups in humanitarian negotiations, thus legitimizing groups with sometimes dangerous agendas, or to keep them at a distance, thus relinquishing the possibility of exercising positive leverage.¹⁷ The representative of Germany, while noting that constructive engagement with non-State armed actors was needed more than ever, cautioned that such constructive engagement required flexibility and realism, and should not come at the expense of the need to address impunity.¹⁸

The representative of Colombia warned that negotiating with terrorist organizations, traffickers of illicit drugs and criminals in order to gain access to specific populations not only legitimized such organizations but also strengthened their operations. He said that such political negotiations between humanitarian organizations and illegal armed groups violated the basic principles of neutrality, impartiality and transparency of humanitarian work.¹⁹

The representative of China acknowledged that, due to continued conflict in some regions, including Africa, the Middle East and Iraq, much remained to be

accomplished in pursuit of the goal of protecting civilians in armed conflict. He opined that, to mitigate the difficult situations faced by those civilians, the international community should adopt a comprehensive strategy that addressed both root causes and symptoms of conflict.²⁰

Decision of 14 December 2004 (5100th meeting): statement by the President

At its 5100th meeting, on 14 December 2004, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. At the meeting, all Council members and 16 other representatives made statements.²¹

In his briefing, the Under-Secretary-General updated the Council on developments over the previous six months in terms of the implementation of the 10-point platform he had presented to the Security Council the preceding year.²² He listed seven key challenges: humanitarian access to civilians in need; the security of humanitarian personnel; protection of women and children, including against sexual violence and forcible recruitment of child soldiers; protection of refugees and internally displaced persons; compliance with international humanitarian, human rights and refugee law; disarmament, demobilization, reintegration and rehabilitation of former fighters; and neglected emergencies.

Turning to seven areas of action which he believed would strengthen the ability and enhance the United Nations response to the challenges outlined, the Under-Secretary-General highlighted the need to strengthen the overall response capacity of the humanitarian community to provide both effective and timely humanitarian assistance and protection. Secondly, he recalled that in his most recent report on protection of civilians in armed conflict²³ the Secretary-General had called for a mechanism that would provide better information in order to inform and facilitate the Council's deliberations. He stated that

²⁰ Ibid., pp. 22-23.

²¹ The representatives of Argentina, Bangladesh, Canada, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Japan, Kenya, Honduras, Liechtenstein, the Netherlands (on behalf of the European Union and associated States), New Zealand (also on behalf of Australia), Peru, Nigeria and Switzerland.

²² See S/PV.4877.

²³ S/2004/431.

¹⁵ Ibid., pp. 6-7.

¹⁶ Ibid., pp. 30-31.

¹⁷ Ibid., pp. 6-7.

¹⁸ Ibid., pp. 23-25.

¹⁹ S/PV.4990 (Resumption 1), pp. 11-14.

work had begun with United Nations agencies to develop a systematic methodology which would allow better comparative analysis and monitoring of protection trends. Thirdly, the Under-Secretary-General pointed to the need to ensure a more consistent response to crises and to highlight neglected emergencies. Fourthly, he stated that it was essential to place greater emphasis on the role of national actors, including through developing approaches and tools that would strengthen their ability to provide protection. Fifthly, he stated that it was essential to assess and mitigate any potential humanitarian consequences of sanctions. His Office, in collaboration with the Inter-Agency Standing Committee, had developed a methodology to assess the human impact of sanctions. He strongly encouraged the Council members to use that methodology during their deliberations to enhance sanctions as a tool. As a sixth point, he stressed the importance of regional organizations in providing protection in armed conflicts. Finally, with respect to incidence of sexual abuse and exploitation by peacekeeping and humanitarian personnel, he appealed to contributing Member States to give that issue their urgent attention and ensure that appropriate accountability mechanisms were in place.²⁴

During the ensuing debate, most speakers expressed support for the 10-point platform presented by the Secretary-General in his report. Speakers expressed concern over the continued plight of civilians in armed conflict, in particular the continuation of sexual violence against women during armed conflict, and the recruitment of child soldiers. They called for ending impunity through effective use of national and international legal institutions, and also expressed concern with respect to the frequency of attacks on United Nations and other humanitarian personnel.

The representative of France proposed that the reports of the Secretary-General on the protection of civilians should be presented annually, instead of every 18 months. He stated that the report should list particularly serious situations pertaining to the refusal to grant humanitarian access and cases in which camps for refugees or displaced persons were attacked by armed elements, as well as provide more specific

²⁴ S/PV.5100, pp. 2-7.

information with respect to those victimized by sexual violence and used as a weapon of war.²⁵

The representative of the United Kingdom, while stressing the need to strengthen the collaborative approach to protection, noted “a serious lack” of results-based reporting on protection objectives in humanitarian programmes, and proposed that this could be considered along with the Secretary-General’s proposal for a mechanism to provide better facts and statistics on protection.²⁶ The representative of Chile expressed support for the initiative to establish an ad hoc group on the protection of civilians, which would make recommendations and provide follow-up to the decisions taken by the Council.²⁷

Many speakers addressed the issue of the principle of the “responsibility to protect”. Welcoming the endorsement by the High-level Panel on Threats, Challenges and Change of the collective international responsibility to protect,²⁸ the representative of Canada, echoed by the representative of Peru, believed that the Council should review the criteria presented by the Panel for the authorization of the use of force in that context, with a view to adopting them.²⁹ The representatives of France and Spain contended that if a Government did not have the ability to protect its own population, or was not willing to do so, the international community, and in particular the United Nations, must fulfil that protective function. The representative of France further stated that the Council should deal directly with massive violations of international humanitarian law and that, in the most dramatic situations, a military intervention might be the only option to avoid or stop substantial loss of human life.³⁰ The representative of the United Kingdom, echoed by the representative of Liechtenstein, contended that the Council should engage more directly in the commitment to prevent and in the responsibility to protect.³¹ The representative of New Zealand welcomed the Panel’s recommendations with respect to internal threats and the responsibility to

²⁵ *Ibid.*, pp. 12-14.

²⁶ *Ibid.*, pp. 16-17.

²⁷ *Ibid.*, pp. 9-11.

²⁸ See A/59/565 and Corr.1.

²⁹ S/PV.5100 (Resumption 1), pp. 3-5 (Canada); and pp. 13-14 (Peru).

³⁰ S/PV.5100, pp. 9-11 (Spain); and pp. 12-14 (France).

³¹ *Ibid.*, pp. 16-17 (United Kingdom); and S/PV.5100 (Resumption 1), pp. 18-19 (Liechtenstein).

protect, and urged Council members and the wider United Nations membership to give them serious consideration.³² The representative of Costa Rica, also referring to the report of the Panel, regretted that the Security Council had not shown itself to be willing or able to protect civilians effectively, and appealed to the Council to commit itself thereto.³³

The representative of Colombia contended that concepts like “humanitarian intervention” and “responsibility to protect” should be “managed carefully and responsibly”, and that humanitarian assistance efforts must be undertaken with the full cooperation, coordination and consent of the Government.³⁴

The representative of Canada stated that the Council must be steadfast and consistent in the messages it sent in response to war crimes and crimes against humanity, and must ensure follow-through when it threatened to impose measures unless conditions were met. Citing the situation in Darfur as one example, he further stressed that in cases in which measures were imposed, those measures must be monitored, and the Council must not tolerate a failure by parties to comply with its resolutions.³⁵

With respect to addressing sexual abuse perpetrated by United Nations personnel, the representative of Costa Rica held that rules of confidentiality included in the Secretary-General’s bulletin on sexual exploitation³⁶ created “an atmosphere of impunity”, and called for all measures taken against alleged perpetrators to be taken with the greatest amount of transparency possible. She also contended that individuals involved should be subject to the jurisdiction of the territory in which the events occurred, or to that of the victim’s home country.³⁷

After the debate, the President (Algeria) made a statement on behalf of the Council,³⁸ by which, the Council, *inter alia*:

[Stated that it was] gravely concerned that civilians were increasingly targeted by combatants and armed elements during armed conflict, in particular women, children and other

vulnerable groups, including refugees and internally displaced persons, and recognized the negative impact this would have on durable peace and national reconciliation;

Reiterated its call to all parties to armed conflict to take all necessary measures to ensure security and freedom of movement of United Nations and associated personnel as well as personnel of humanitarian organizations;

Stressed the need for regional cooperation in order to address cross-border issues such as disarmament, demobilization, reintegration and rehabilitation, cross-border movement of refugees and combatants, human trafficking, illicit flow of small arms and illegal exploitation of natural resources and post-conflict situations;

Condemned the increased use of sexual and gender-based violence as a weapon of war as well as the recruitment and use of child soldiers by parties to armed conflict in violation of international obligations applicable to them;

Urged the international community to ensure adequate and timely funding in response to humanitarian need across crises, so as to provide sufficient humanitarian assistance in alleviating the suffering of civilian populations, in particular those in areas affected by armed conflict or emerging from a situation of conflict.

**Decision of 21 June 2005 (5209th meeting):
statement by the President**

At its 5209th meeting, on 21 June 2005, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. Statements were made by all Council members and eight other representatives.³⁹ The Under-Secretary-General recalled that, five years earlier, the Council had adopted resolution 1296 (2000) and since then had been increasingly seized of the protection of civilians in armed conflict. Despite some progress, challenges associated with protecting civilians remained numerous and complex.

Recalling his 10-point plan, the Under-Secretary-General highlighted some key areas where the need to take action was particularly urgent. His first concern was the frequency and scale of deliberate displacement both within and across borders. He stressed that more had to be done to prevent and end displacement, and that the creation of a secure environment for displaced populations should be a primary objective for peacekeeping operations. Secondly, he stated that the

³² S/PV.5100 (Resumption 1), pp. 22-23.

³³ *Ibid.*, pp. 11-13.

³⁴ *Ibid.*, pp. 23-24.

³⁵ *Ibid.*, pp. 3-5.

³⁶ ST/SGB/2003/13.

³⁷ S/PV.5100 (Resumption 1), pp. 11-13.

³⁸ S/PRST/2004/46.

³⁹ The representatives of Canada (on behalf also of Australia and New Zealand), Colombia, Côte d’Ivoire, Egypt, Luxembourg (on behalf of the European Union), Nigeria, Norway and Peru.

recurrent use of sexual violence was arguably one of the worst global protection challenges, owing to its scale, prevalence and profound impact, and information indicated that more and more women were being attacked. He cited the situation in North Kivu in the Democratic Republic of the Congo as a place where sexual violence had become endemic, warning that, if not stopped, such violence would have terrible long-term ramifications for the society, threatening future peace and stability. While expressing concern about the issue of humanitarian access and the interrelated issue of safety and security of humanitarian personnel, the Under-Secretary-General opined that a key objective of peacekeeping missions should be the creation of secure environments to facilitate the delivery of humanitarian assistance, safeguard humanitarian staff and protect essential services. He also stressed the need to develop appropriate guidance which maximized the capacity to provide physical protection while upholding humanitarian principles and safeguarding humanitarian space. He further reiterated that tackling impunity lay at the heart of protection concerns, and that the process of indictments by the International Criminal Court in Uganda, the Democratic Republic of the Congo and Darfur should signal a climate in which impunity would no longer be tolerated. At the same time, he said, “we must remain aware of the potential impact of such legal action on humanitarian operations, including the potential for reprisals against humanitarian staff”.

The Under-Secretary-General emphasized the critical role that regional and intergovernmental organizations had to play in terms of strengthening protection response. His office had developed a workplan which was to be presented at the forthcoming sixth high-level meeting of the Secretary-General with heads of regional and other intergovernmental organizations. Finally, pointing to the need to develop more systematic reporting to the Security Council to facilitate its deliberations and ensure that protection concerns were more fully reflected in its proceedings, he said that, under the guidance of the Executive Committee on Humanitarian Affairs, efforts were focused on establishing criteria and indicators to generate current overviews and trend analysis.⁴⁰

In the ensuing debate, speakers expressed grave concern about the limited progress on the ground in ensuring the effective protection of civilians in

⁴⁰ S/PV.5209, pp. 2-6.

situations of armed conflict, and drew attention to a number of major “protection gaps”. These included the need to provide better physical protection for displaced populations, in particular women and children. Speakers considered that contributing to the establishment of a secure environment for vulnerable populations should be a key objective of peacekeeping operations. While the need to respond to sexual and gender-based violence was stressed, speakers also pointed to the proliferation of small arms and light weapons as another area that needed to be addressed.

Many speakers reiterated the need to strengthen the legal framework for the protection of humanitarian personnel. The representative of Canada called on the Council to encourage the General Assembly to conclude discussions on expanding the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel, and to remove the “exceptional risk” requirement.⁴¹

Speakers further called for more reliable and predictable resources to assist those in need, noting the disparity between current funding levels and current requirements. Finally, speakers pointed to the need to ensure that humanitarian assistance was carried out in a non-discriminatory, balanced and proportionate manner.

At the end of the meeting, the President (France) issued a statement on behalf of the Council,⁴² by which the Council, *inter alia*:

Reiterated its commitment to address the widespread impact of armed conflict on civilian populations;

Reaffirmed its strong condemnation of the deliberate targeting of civilians or other protected persons in situations of armed conflict, and called upon all parties to put an end to such practices; and expressed, in particular, its deep concern at the use of sexual violence as a weapon of war; and called upon all States to put an end to impunity in this regard;

Stressed the urgent need for providing better physical protection for displaced populations as well as for other vulnerable groups, in particular women and children;

Invited the Secretary-General to include in his next report recommendations on ways to better address the persisting and emerging protection challenges in the evolving peacekeeping environment; and expressed its intention to take further action to strengthen and to enhance the protection of civilians in armed

⁴¹ *Ibid.*, pp. 28-29.

⁴² S/PRST/2005/25.

conflict, including, if necessary, the possible adoption of a resolution in this regard.

Deliberations of 9 December 2005 (5319th meeting)

At its 5319th meeting, on 9 December 2005, the Council included in its agenda the report of the Secretary-General on the protection of civilians in armed conflict.⁴³ The Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the Vice-President of the International Committee of the Red Cross (ICRC). In addition to all Council members, statements were made by 19 other representatives.⁴⁴

The Under-Secretary-General said that much headway had been made in the six years since the Council had adopted its first resolution on the protection of civilians. This included the Council's expansion of peacekeeping mandates to include protection measures (although those should be augmented by "concrete measures" to facilitate a secure environment), and its focus on key protection concerns; engagement of regional and subregional organizations; strengthening of humanitarian assistance; increased ratifications of relevant international instruments; and the establishment of the International Criminal Court. Still, he stressed, civilians continued to bear the brunt of armed conflicts. The Under-Secretary-General lamented that only half of the 26 countries now in armed conflict were party to Additional Protocol II to the Geneva Conventions, which was the "most relevant" instrument on non-international conflicts. While noting that in many situations humanitarian actors operated in very insecure environments, he stressed that the presence of aid workers should not be used as an "alibi to camouflage" the absence of genuine efforts for lasting political solutions. The Under-Secretary-General highlighted three recommendations for action mentioned by the Secretary-General in his report. First, the current civilian protection framework needed to be updated to reflect the current environment of conflict.

⁴³ S/2005/740.

⁴⁴ The representative of Canada (on behalf also of Australia and New Zealand), Egypt, Germany, Iraq, Italy, Liechtenstein, Mexico, Nepal, Norway, Pakistan, Peru, Qatar, the Republic of Korea, Rwanda, Slovakia, South Africa, Spain, Switzerland, Uganda and the United Kingdom (on behalf of the European Union).

He urged the Council to adopt a resolution on the subject that included the "strongest possible language". Second, the collation of empirical data on specific and global trends should be improved to facilitate the Council's decision-making process. Third, he said that much more emphasis and support should be devoted to peacemaking, with all such efforts reflecting the needs of the civilian populations.⁴⁵

The Vice-President of ICRC said that the lack of political will to fully respect humanitarian law was the major impediment to protecting civilians during conflict. He noted that ICRC took account of the specific needs of vulnerable populations, including internally displaced persons, and stressed the importance to enhance cooperation among humanitarian organizations to protect those populations. He further highlighted the need for neutrality and independence of such organizations, including ICRC, as that "added value" for protecting civilians. He also emphasized the need to address the root causes of conflict, so that renewal of hostilities would become less likely.⁴⁶

In the debate that followed, most speakers expressed concern with the increased targeting of civilians in warfare, and stressed the need to protect vulnerable groups, particularly internally displaced persons, women and children. Many speakers cited the responsibility of the international community and of the Security Council, in particular, to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity if a State failed to do so.⁴⁷ The representative of Peru held that the permanent members of the Council should agree not to use their right to veto when such serious violations were involved.⁴⁸ The representative of the Russian Federation opined that it was "clearly premature" to advance the concept of responsibility to protect in Security Council documents.⁴⁹ Several representatives were also of the opinion that the concept should be

⁴⁵ S/PV.5319, pp. 2-6.

⁴⁶ *Ibid.*, pp. 7-8.

⁴⁷ *Ibid.*, pp. 8-9 (Argentina); pp. 12-13 (Italy); pp. 13-14 (Peru); pp. 21-22 (Greece); pp. 24-26 (United Republic of Tanzania); pp. 28-29 (Mexico); and pp. 30-32 (Denmark).

⁴⁸ *Ibid.*, pp. 13-14.

⁴⁹ *Ibid.*, p. 18.

discussed more in depth by the General Assembly before it was considered by the Council.⁵⁰

While agreeing that the concept would be refined within the framework of the General Assembly, the representative of France believed that it “would not be unusual for the Security Council to refer to that notion”, because it had the consensus among State leaders, and further opined that the notion should guide the work of the Council, particularly in its role on the protection of populations.⁵¹

The representative of China, while noting that the World Summit Outcome⁵² clearly referred to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, held that a “cautious approach” should be taken in determining whether a Government was able or willing to protect its citizens. Arbitrary and hasty intervention should be avoided, as that might complicate situations and result in greater harm to innocent civilians. He also believed that constructive assistance should be provided to States in order to avoid violating State sovereignty and respect the will of the parties concerned.⁵³

The representative of Egypt opined that the Council should not expand its authority by establishing general policies for dealing with humanitarian issues and human rights, as this fell within the mandate of the General Assembly. He was thus concerned at the mention in the report of the Secretary-General of the Council’s role in legislating and taking action under the “so-called responsibility to protect”. He also opposed the idea of imposing targeted sanctions under Chapter VII on States in order to ensure humanitarian access, as proposed in the report of the Secretary-General.⁵⁴

In connection with the responsibility to protect, speakers stressed the role of regional organizations in humanitarian assistance and peacekeeping and the need to enhance cooperation with them and their funding.⁵⁵

Several speakers noted with concern that access of humanitarian workers to the most vulnerable groups was often restricted. The majority of speakers called for strengthening humanitarian access and civilian protection in peacekeeping mandates. Referring to peacekeeping missions mandated with multiple tasks, the representative of Switzerland stressed that humanitarian work “must be carried out by civilians” in order to guarantee the observance of humanitarian principles. Noting the lack of clarity sometimes seen on the ground with respect to the respective roles of humanitarian and military actors, he called on the Council to follow the Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies.⁵⁶

The representative of Uganda contradicted references made to his country in the Secretary-General’s report, including in terms of the number of internally displaced persons in northern Uganda and his Government’s limitations on the freedom of movement in that region. He then appealed for the assistance of the international community in executing the warrants issued by the International Criminal Court for the leaders of the Lord’s Resistance Army.⁵⁷

The representative of the United Kingdom noted that it was time to take stock of the recommendations made by the Secretary-General over the past five years on how the Council could further improve the protection of civilians in armed conflict. His delegation had initiated a draft resolution to address the gaps as to prevention, protection and humanitarian access. Filling those gaps, he said, could only be done with combined action by parties to conflicts, individual States concerned and the international community.⁵⁸

**Decision of 28 April 2006 (5430th meeting):
resolution 1674 (2006)**

At its 5430th meeting, on 28 April 2006, the Council included in its agenda the report of the Secretary-General on the protection of civilians in armed conflict.⁵⁹ No statements were made by Council members during the meeting. The President (China) drew the attention of the Council members to a draft

⁵⁰ Ibid., pp. 9-10 (Brazil); pp. 18-19 (Russian Federation); pp. 26-27 (South Africa); pp. 28-29 (Mexico); and pp. 29-30 (China); S/PV.5319 (Resumption 1), pp. 2-3 (Algeria); and pp. 6-7 (Egypt).

⁵¹ S/PV.5319 (Resumption 1), pp. 7-8.

⁵² General Assembly resolution 60/1.

⁵³ S/PV.5319, pp. 29-30.

⁵⁴ S/PV.5319 (Resumption 1), pp. 6-7.

⁵⁵ S/PV.5319, pp. 18-19 (Russian Federation); and pp. 24-26 (United Republic of Tanzania); S/PV.5319

(Resumption 1), pp. 16-17 (Republic of Korea).

⁵⁶ S/PV.5319, pp. 27-28.

⁵⁷ S/PV.5319 (Resumption 1), pp. 3-4.

⁵⁸ Ibid., pp. 8-10.

⁵⁹ S/2005/740.

resolution;⁶⁰ it was then put to a vote and adopted as resolution 1674 (2006), by which the Council, *inter alia*:

Reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome⁶¹ regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity;

Demanded that all parties concerned comply strictly with the obligations applicable to them under international law;

Called upon States that had not already done so to consider ratifying the instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement their obligations under those instruments;

Demanded that all States fully implement all relevant decisions of the Council, and in this regard cooperate fully with United Nations peacekeeping missions and country teams in the follow-up and implementation of those decisions;

Called upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning have regard for the special needs of women and children;

Urged the international community to provide support and assistance to enable States to fulfil their responsibilities regarding the protection of refugees and other persons protected under international humanitarian law;

Urged all those concerned, as set forth in international humanitarian law, to allow full unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and associated personnel and their assets;

Requested the Secretary-General to submit his next report on the protection of civilians in armed conflict within 18 months of the date of the resolution.

Deliberations of 28 June 2006 (5476th meeting)

At its 5476th meeting, on 28 June 2006, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. In addition to all Council members, statements were made by eight representatives.⁶²

⁶⁰ S/2006/267.

⁶¹ General Assembly resolution 60/1.

⁶² The representatives of Austria (on behalf of the European Union), Canada, Colombia, Guatemala, Iraq, Liechtenstein, Slovenia and Uganda.

In his briefing, the Under-Secretary-General stated that although resolution 1674 (2006) was fundamental to progress in the protection of civilians, it had failed to ensure a predictable response to the massive suffering of vulnerable civilians. He stated that the United Nations, and the Security Council specifically, had the responsibility to protect, as reaffirmed in resolution 1674 (2006). However, he noted, there were too many times when the United Nations did not come to the defence of civilian populations in need. Acknowledging that there were signs of progress in efforts to better protect civilians caught in conflict, he emphasized that civilians continued to bear the full “brunt of armed conflict and terror”, in particular in Iraq, the Sudan, Uganda, Somalia, Afghanistan and the Democratic Republic of the Congo. He stressed the importance of using the range of protection tools at the Council’s disposal more effectively, including to make resolution 1674 (2006) a “real platform for action”. He said that peacekeeping missions must be equipped with better, more comprehensive mandates and the means to fulfil them. In addition, peacekeepers must be given tools, guidance and support if they were to respond to threats and provide better protection. Furthermore, he observed that targeted sanctions should be employed at the earliest opportunity, where violations against civilians prevailed, to signal international concern and serve as a first step to protect.⁶³

Most speakers welcomed the recent adoption of resolution 1674 (2006), which they opined contained a number of crucial elements for improving the international protection regime for civilians in armed conflict. The representative of the United Kingdom, echoed by the representatives of Ghana and the Congo, stressed that efforts to protect civilians from the effect of armed conflict must be at the heart of the Council’s work, which was why the Council had reaffirmed in resolution 1674 (2006) that it had a shared responsibility to protect populations from large-scale abuses and, in particular, from crimes against humanity, including the prospect of genocide.⁶⁴

Speakers expressed concern in particular about the ongoing crisis in Darfur, and especially the impact of conflict on civilians in that region. The representative of the United States said that the

⁶³ S/PV.5476, pp. 2-6.

⁶⁴ *Ibid.*, pp. 6-8 (United Kingdom); pp. 11-12 (Ghana); and pp. 15-16 (Congo).

situation in Darfur illustrated the urgent role that States must play to safeguard civilians.⁶⁵ The representative of the United Kingdom expressed the view that “politically and practically”, a United Nations mission could not be deployed to Darfur unless the protection of civilians was tackled and provided.⁶⁶

While welcoming resolution 1674 (2006), the representative of Liechtenstein stated that he would have welcomed clear language on the role that the Security Council was willing to assume with regard to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. He also expressed his disappointment at the fact that the resolution did not contain a reference to the vital role of the International Criminal Court.⁶⁷

In order to promote the protection of civilians, speakers generally highlighted the need to pay closer attention to efforts to prevent conflict; to bring those responsible for crimes against civilians to justice, thereby ending the culture of impunity; and to bolster the role of peacekeeping missions in providing protection for civilians. They stressed that peacekeepers should be provided with a realistic, but also a clear and robust, mandate to protect civilians and facilitate a secure environment.

The representative of the Russian Federation said that it was necessary to establish systematic and coordinated measures at national, regional and international levels for protecting civilians from instances of armed conflict.⁶⁸ The representative of France said that when peacekeeping mandates were being drawn up, they should spell out responsibilities towards civilians in a precise manner. At the same time, he stressed the importance of ensuring that mandates were realistic, so that the United Nations peacekeepers did not find themselves helplessly watching massacres of civilians. Echoed by the representatives of Austria and Canada, the representative of France further stated that peacekeeping operations must be given the mandates and resources to discharge their mission to protect people.⁶⁹

⁶⁵ *Ibid.*, p. 17.

⁶⁶ *Ibid.*, pp. 6-8.

⁶⁷ *Ibid.*, pp. 26-27.

⁶⁸ *Ibid.*, pp. 14-15.

⁶⁹ *Ibid.*, pp. 20-21 (France); pp. 22-23 (Austria, on behalf of the European Union); and pp. 27-28 (Canada).

The representative of Slovenia, speaking on behalf of the Human Security Network, expressed the Network’s commitment to further promoting the understanding of the notion of “responsibility to protect”, and in that context encouraged the permanent members of the Council to refrain from exercising their right to veto powers with regard to genocide, war crimes, crimes against humanity and ethnic cleansing. He also expressed full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide.⁷⁰

The representative of China stated that the international community, while providing assistance and support, should not undermine the sovereignty and territorial integrity of the countries concerned.⁷¹

The representative of Japan noted that sometimes when a peacekeeping mission had a protection mandate, the mandate was interpreted differently by battalions drawn from different countries. For example, Council resolutions occasionally authorized a protection mandate for “civilians under imminent threat”, but there was a lack of clarity as to what sort of situation constituted an imminent threat. In order to address the problem, he suggested that the Secretariat should develop practical guidance on the day-to-day activities of peacekeeping troops.⁷²

The representative of Ghana believed that in the event of the failure by both governments and armed groups to abide by their commitments under international humanitarian law, it behoved the United Nations to intervene and protect innocent populations against human rights violations. He also believed that the International Criminal Court could contribute immensely towards containing and combating crimes against innocent populations in conflict areas.⁷³

The representative of the Congo, echoed by the representatives of Argentina and Guatemala, believed that the Council must put in place a multi-sectoral monitoring and follow-up mechanism to make it possible to collect all the information necessary to assess and respond to the need to protect civilians in countries on the Council’s agenda.⁷⁴

⁷⁰ S/PV.5476, pp. 24-26.

⁷¹ *Ibid.*, pp. 9-10.

⁷² *Ibid.*, pp. 10-11.

⁷³ *Ibid.*, pp. 11-12.

⁷⁴ *Ibid.*, pp. 15-16 (Congo); pp. 16-17 (Argentina); and

**Deliberations of 4 December 2006
(5577th meeting)**

At its 5577th meeting, on 4 December 2006, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. All Council members and seven other representatives made statements during the meeting.⁷⁵

In his briefing, the Under-Secretary-General said that, over the past three years, he had been encouraged to see that the protection of civilians had steadily gained prominence in the Council's deliberations, and had been reflected in United Nations humanitarian and peace operations. He opined that the real measure of the success of the United Nations would be judged by the extent to which its actions had made a difference in securing the protection, the rights and the freedoms of the civilian population. He recalled that the Council had solemnly pledged to accept the responsibility to protect civilian populations, but lamented that this responsibility was far from being translated into predictable and adequate action to provide protection for all beleaguered and threatened communities. He then pointed to some situations, such as Liberia, Sierra Leone, the Democratic Republic of the Congo and South Sudan in which the United Nations had succeeded in providing security for civilians when the Council was united. Conversely, he stated, there had not been the same unity of purpose and action in places like Darfur or Gaza. He further stressed that violent attacks against non-combatants had increased by 55 per cent from 1989 to 2005, and that the key concerns for the protection of civilians remained the same as those listed in his 10-point action plan. He noted that humanitarian access, the situation of internally displaced persons and refugees, sexual violence, the protection of children, and direct attacks on civilians continued to cause grave concern. In concluding, the Under-Secretary-General suggested five issues as future priorities for the Council. First, the continuation of thematic briefings, Arria formula meetings and other means to ensure adequate information and analysis of the situation; secondly, effective use of mechanisms at the Council's disposal to prevent violations of

international human rights and humanitarian law, including targeted sanctions; thirdly, conflict mediation and the timely and effective use of good offices; fourthly, enhancement of comprehensive and predictable funding; and fifthly, ensuring sufficient guidance and support to peacekeeping operations.⁷⁶

In the ensuing debate, speakers expressed grave concern at the continuing attacks on civilians in armed conflict, including sexual violence against women and the forced recruitment of child soldiers. They also expressed concern at the increase in attacks on humanitarian workers, which exacerbated the impediments to humanitarian access, and called for an end to impunity for violations of international humanitarian and human rights law. Speakers also stressed that the increase in attacks on journalists and media workers in conflict areas was of grave concern, and drew attention to the suffering of civilians caused by the proliferation of small arms and light weapons, and by the use of landmines and cluster munitions.

Many speakers called for the full implementation of resolution 1674 (2006), including the principles for the responsibility to protect as laid out in that resolution. The representative of China stressed the importance of humanitarian agencies respecting the principles of impartiality, neutrality, objectivity and independence, in order to maintain the humanitarian nature of their operations and to avoid becoming involved in local political disputes or negatively affecting a peace process.⁷⁷ The representative of the United States reiterated that in situations of violent conflict where a State was unwilling or unable to its civilians, the international community had "a distinct role".⁷⁸

**Decision of 23 December 2006 (5613th meeting):
resolution 1738 (2006)**

At the 5613th meeting, on 23 December 2006, no Council members made statements. The President (Qatar) drew the attention of the Council to a draft resolution;⁷⁹ it was put to a vote, and adopted as resolution 1738 (2006), by which the Council, *inter alia*:

pp. 30-31 (Guatemala).

⁷⁵ The representatives of Canada, Colombia, Finland (on behalf of the European Union), Israel, Lebanon, Myanmar and Norway.

⁷⁶ S/PV.5577, pp. 2-7.

⁷⁷ *Ibid.*, p. 8.

⁷⁸ *Ibid.*

⁷⁹ S/2006/1023.

Condemned intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and called upon all parties to put an end to such practices;

Reaffirmed its condemnation of all incitements to violence against civilians in situations of armed conflict, further reaffirmed the need to bring to justice, in accordance with applicable international law, individuals who incited such violence;

Recalled its demand that all parties to an armed conflict comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel;

Urged States and all other parties to an armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel;

Urged all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians;

Requested the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel.

Deliberations of 22 June and 20 November 2007 (5703rd and 5781st meetings)

At its 5703rd meeting, on 22 June 2007, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. In addition to all Council members, statements were made by 14 representatives.⁸⁰

In his briefing, while highlighting some improvements in the protection of civilians in armed conflict in several areas, the Under-Secretary-General stressed that in many places the picture remained “sombre and profoundly worrying”. He elaborated on three main areas of concern, namely, the issue of targeting of civilians; the continuing displacement of civilians as a result of conflict; and the lack of access to people in need and of security for humanitarian workers. He highlighted that the Council had taken important steps towards better protection of civilians, exemplified by more robust peacekeeping and more

strategic and protection-related deployment of peacekeepers in the Democratic Republic of the Congo. For future peacekeeping deployments, he suggested drawing lessons from the practical effect that the inclusion of protection of civilians in a number of peacekeeping mandates had had on the ground.

He recalled the General Assembly’s agreement at the 2005 World Summit on a fundamental “responsibility to protect” as a norm that not only emphasized the primary responsibility of States to protect its citizens and those within its jurisdiction against genocide, war crimes, ethnic cleansing and crimes against humanity but also recognized the role of the international community and the United Nations in helping States to exercise that responsibility. He urged the Council to invest more in conflict prevention and in post-conflict measures to prevent rapid relapse into conflict. He also said he would continue to ensure that protection concerns were fully integrated into peacekeeping efforts, and bring situations of grave humanitarian concern to the Council’s attention.⁸¹

While noting the progress achieved in the protection of civilians in armed conflict, speakers stressed that much remained to be done to comprehensively protect them and to ensure the protection and promotion of their human rights. Speakers were concerned in particular about the growing number of refugees and internally displaced persons worldwide. Many delegations expressed particular concern over the declining security situation in Darfur, despite the agreement on the hybrid force, and over the humanitarian situations in the Gaza Strip, Afghanistan, Somalia and Sri Lanka, among other areas, where civilians continued to be the victims of conflicts.

Reiterating resolution 1674 (2006), and while acknowledging that the parties to armed conflict bore the primary responsibility to protect civilians, a number of speakers stated that when those parties failed to do so, the international community had the duty to intervene.⁸² Many delegations shared the view that efforts to protect civilians must be placed at the heart of the Council’s work, and called on the Council

⁸⁰ The representatives of Argentina, Canada (on behalf also of Australia and New Zealand), Colombia, Germany (on behalf of the European Union), Guatemala, Israel, Italy, Japan, Liechtenstein, Mexico, Myanmar, Nigeria, the Republic of Korea and Rwanda.

⁸¹ S/PV.5703, pp. 2-7.

⁸² *Ibid.*, pp. 7-8 (Panama); pp. 8-9 (Peru); pp. 9-10 (United States); pp. 10-11 (Italy); pp. 19-20 (United Kingdom); pp. 23-24 (Belgium); pp. 33-35 (Canada, on behalf also of Australia and New Zealand); pp. 35-36 (Liechtenstein); and pp. 37-38 (Rwanda).

and the Organization as a whole to do more to promote the principle of the “responsibility to protect”.

The representative of the Russian Federation said that while the responsibility for the protection of civilians fell on the Governments of States where conflict was occurring, such responsibility “should also be kept in mind by other parties that might be drawn into various conflict situations”. The concept of the responsibility to protect must be interpreted in strict compliance with the 2005 World Summit Outcome, and its implications must be considered by the General Assembly on the basis of the principles of the Charter and international law.⁸³

The representative of China reiterated that the concept of the responsibility to protect should be understood and applied “correctly”. He recalled that the 2005 World Summit Outcome had requested the General Assembly to continue its consideration and enrichment of the concept. He stressed that there were still differing understandings and interpretations of the concept among Member States, and that the Security Council should therefore refrain from invoking the concept of the responsibility to protect.⁸⁴

In order to promote the protection of civilians, many delegations called for the steady implementation of resolution 1674 (2006), through better monitoring and other measures. The representatives of France and the United Kingdom opined that the Council could continue to ensure that, where appropriate, United Nations peacekeepers were given robust mandates and necessary support to protect civilians from violence, and that the doctrine of protection of civilians in peacekeeping operations should be elaborated.⁸⁵ The representative of Canada called for the development of clear guidance for the implementation of resolution 1674 (2006).⁸⁶ The representative of the Republic of Korea believed that, because each conflict was different, the Council should develop a mechanism for case-by-case analysis of the situation of the respective civilian populations.⁸⁷

At its 5781st meeting, on 20 November 2007, the Council included in its agenda the report of the

Secretary-General on the protection of civilians in armed conflict.⁸⁸ The Council heard statements by the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and the Director General of ICRC. In addition to Council members, statements were made by 20 representatives.⁸⁹

In his report, the Secretary-General outlined the persistent challenges to the protection of civilians in various conflicts around the world. The report contained an update on progress made in implementing resolution 1674 (2006) and on strengthening the framework for the protection of civilians elaborated by the Council and other partners in recent years. He observed that a critical and consequential next step towards operationalizing resolution 1674 (2006) and ensuring action that would have a tangible impact on the ground would be more systematic attention in the daily deliberations of the Council to the concerns and recommendations made in this and previous reports on the protection of civilians.

The Secretary-General highlighted in his report four challenges of particular importance, and in regard to which the Council and Member States could take action to ensure a more systematic and robust response, and for which he also introduced a set of recommended actions. To face the first challenge, ensuring access to civilians in need, the Secretary-General recommended the establishment of arrangements to agree upon the routes and timing of humanitarian convoys and airlifts to avoid accidental strikes on humanitarian operations; high-level diplomacy to promote humanitarian corridors and days of tranquillity; and the development of a standard moratorium on visa requirements and travel permits for humanitarian workers, and on Customs duties and import restrictions on humanitarian goods and equipment. The moratorium could be activated upon the recommendation of the Emergency Relief Coordinator where there was a need for rapid and life-saving assistance. For the second challenge, ensuring a more robust response to sexual violence, he called first on Member States to ensure that incidents of sexual

⁸³ *Ibid.*, pp. 22-23.

⁸⁴ *Ibid.*, pp. 16-17.

⁸⁵ *Ibid.*, pp. 13-14 (France); and pp. 19-20 (United Kingdom).

⁸⁶ *Ibid.*, pp. 33-35.

⁸⁷ *Ibid.*, pp. 36-37.

⁸⁸ S/2007/643.

⁸⁹ The representatives of Angola (on behalf of the Group of African States), Argentina, Australia, Austria, Canada, Colombia, Guatemala, Iceland, Israel, Japan, Liechtenstein, Mexico, Nepal, New Zealand, Nigeria; Norway, Portugal (on behalf of the European Union), Senegal, Switzerland and Viet Nam.

violence were investigated and punished, including through the deployment of the principle of command responsibility and amending national legal systems to that effect; secondly, he called on prevention and response activities by humanitarian actors to be strengthened and better coordinated, including through the establishment of a clear and dedicated “institutional home” within the United Nations to coordinate activities, ensure provision of expertise in the field, develop system-wide advocacy and act as a repository of best practices. Regarding the third challenge, ensuring a more effective response to housing, land and property issues, he recommended relevant parties, including United Nations peacekeeping operations to take the following actions: preventive and deterrent actions, including strategic deployment of peacekeepers to prevent evictions and illegal expropriations, and the identification and prosecution by national courts or the International Criminal Court of those criminally responsible for the illegal appropriation or destruction of land and property; preparatory actions, such as early identification and registration of land and property abandoned by internally displaced persons and refugees to facilitate restitution or compensation, and the issuance of ownership documentation where this has been lost or destroyed; and restorative actions, such as the inclusion of the right to return and restitution of housing, land or property in all future peace agreements and all relevant Council resolutions, and the inclusion of housing, land and property issues as an integral part of future peacekeeping and other relevant missions. Lastly, with respect to the fourth challenge identified, eliminating the humanitarian impact of cluster munitions, the Secretary-General called on Member States to conclude a treaty which prohibited the use, production and stockpiling of such munitions, required the destruction of current stockpiles, and provided for clearance and other risk-mitigating activities; and, until such a treaty was concluded, to immediately freeze the use and transfer of cluster munitions. In concluding, the Secretary-General recommended the establishment of a dedicated, expert-level working group to facilitate the systematic and sustained consideration and analysis of protection concerns, and ensuring consistent application of the aide-memoire for the consideration of issues pertaining to the protection of civilians⁹⁰ in Council deliberations on the mandates of United

⁹⁰ S/PRST/2003/27, annex.

Nations peacekeeping and other missions, draft resolutions and presidential statements and other relevant tasks.

In his opening remarks, the Secretary-General noted that the protection of civilians remained an “absolute priority” for the United Nations, and above all for the Member States with whom the primary responsibility for protecting civilians rested. He stated that there had been some progress in recent years, but the establishment of a Security Council working group on the protection of civilians was almost an “inevitable next step”. He noted that thousands of children had been killed and wounded in conflict each year, and that the new monitoring mechanisms and a dedicated Special Representative were vital tools to help remedy that situation.⁹¹

Introducing the report of the Secretary-General, the Under-Secretary-General stated that its recommendations for action would be critical for a more systematic consideration by the Council of protection of civilians concerned, and the implementation of the Council’s landmark resolution 1674 (2000). He then described the appalling conditions and threats facing civilians around the world, including the increasing trend of suicide attacks, which often directly targeted civilians.⁹²

The Director General of the International Committee of the Red Cross stated that despite recent operational initiatives and developments in international legal norms, the world’s response to forced displacements, forced disappearances and sexual violence remained inadequate. Recognizing that Council resolutions incorporated the protection of civilians as a standard aspect of peacekeeping operations, he stressed that their protection by United Nations peacekeepers implied a military and security dimension which must be clearly distinguished from protection activities carried out by humanitarian actors.⁹³

In the ensuing debate, speakers expressed concern about restrictions imposed on humanitarian organizations to access the civilian population in conflict areas, and called upon parties to the conflict to comply with the relevant humanitarian laws. Stressing the importance of unhindered access to civilian populations in armed conflict, speakers expressed

⁹¹ S/PV.5781, pp. 2-4.

⁹² *Ibid.*, pp. 4-7.

⁹³ *Ibid.*, pp. 27-29.

support for the Secretary-General's proposal to report problems of access to the Council.

In order to improve the work of the protection of civilians in armed conflict, speakers noted the need for the Council to ensure that parties to the conflict and peacekeeping complied with international humanitarian law and human rights. Most speakers condemned sexual violence and shared the view that those responsible for that crime should be brought to justice. The representative of the United States applauded the adoption by the Third Committee of the General Assembly of a draft resolution calling on States to end impunity by prosecuting those responsible for sexual violence.⁹⁴ The representative of the United Kingdom emphasized that United Nations peacekeeping missions should have a crucial role in tackling sexual violence,⁹⁵ and several speakers expressed concern about acts of sexual exploitation and abuse by United Nations peacekeepers. The representative of South Africa stressed that it was important to ensure that all peacekeepers were adequately trained before deployment to address the specific needs of women and children.⁹⁶

With regard to the functions of the proposed special representative on the prevention of genocide and mass atrocities, the representative of the Russian Federation requested that the Secretary-General provide more details on the broadening mandate of the Special Representative. He stated that this would help the Council to clarify what exactly was meant by the term "mass atrocities" and how the new mandate would

interface with the work of other agencies in the United Nations system.⁹⁷

Regarding the proposed establishment of a working group on protection of civilians, the representatives of France, Italy, Slovakia, Liechtenstein and Senegal welcomed the initiative.⁹⁸ The representative of Panama emphasized that, before developing new structures, there was a need to address the Council's working methods.⁹⁹ The representative of the Russian Federation expressed reservations, however, because he felt it was a bureaucratic step, and that instead of developing new bureaucratic structures the United Nations should be ready to act quickly in alignment with international humanitarian law and decisions of the Security Council.¹⁰⁰ While welcoming the idea of inviting Council members to informal briefings by the Office for the Coordination of Humanitarian Affairs, the representative of the United States was not convinced that a formal working group was necessary.¹⁰¹

A number of speakers expressed concern about the impact of cluster munitions on civilians and supported measures aimed at restricting their use. Noting that cluster munitions continued to be legitimate weapons when employed properly and in accordance with existing international humanitarian law, the representative of the United States opined that the Convention on Certain Conventional Weapons was the right framework in which to take up that issue.¹⁰²

⁹⁴ Ibid., pp. 19-22. The draft resolution was adopted by the General Assembly as resolution 62/134.

⁹⁵ S/PV.5781, pp. 11-12.

⁹⁶ Ibid., pp. 14-15.

⁹⁷ Ibid., pp. 8-9.

⁹⁸ Ibid., pp. 12-14 (France); pp. 16-17 (Italy); pp. 22-23 (Slovakia); S/PV.5781 (Resumption 1), pp. 15-17 (Liechtenstein); and pp. 8-9 (Senegal).

⁹⁹ S/PV.5781, pp. 10-11.

¹⁰⁰ Ibid., p. 9.

¹⁰¹ Ibid., pp. 19-22.

¹⁰² Ibid.

40. Small arms

Decision of 19 January 2004 (4896th meeting): statement by the President

At its 4896th meeting, on 19 January 2004, the Security Council included in its agenda the report of the Secretary-General on small arms of 31 December 2003.¹ The report reflected initiatives undertaken to

implement the recommendations of the Secretary-General on ways and means in which the Council could contribute to dealing with the question of illicit trade in small arms and light weapons in situations under its consideration.²

¹ S/2003/1217, submitted pursuant to the statement by the President of 31 October 2002 (S/PRST/2002/30).

² Recommendations contained in the Secretary-General's report on small arms of 20 September 2002 (S/2002/1053).

In his report, the Secretary-General noted significant progress in developing an international instrument to enable States to identify and trace illicit small arms and light weapons; recognizing the importance of disarmament, demobilization and reintegration in post-conflict situations; encouraging States to establish the necessary legislation to ensure effective control over the export and transit of small arms and light weapons; and enhancing transparency in armaments. He also pointed out encouraging indications in Member States' efforts to provide technical and financial support to the INTERPOL Weapons and Explosives Tracking System; assist the Secretariat in establishing the small arms advisory service; and identify the links between the illicit trade in small arms and light weapons and the illicit exploitation of natural and other resources. Nonetheless, the Secretary-General noted limited progress in coordination between the Council and the General Assembly, as a structured interaction had not yet been established. The Secretary-General also called for further efforts from Member States to enforce all Council resolutions on sanctions, including those imposing arms embargoes; bring their national legislation into compliance with the Council's measures on sanctions; and establish monitoring mechanisms to identify and allow coercive measures against States that deliberately violated arms embargoes. The Secretary-General stated that the implementation of the recommendation for a more vigorous and expeditious pursuit of arms embargoes against countries or regions threatened by armed conflict presented a mixed picture, where some arms embargoes had been effectively deployed, although the restriction on the supply of ammunition to areas of instability required more attention. He also noted that the need to finance disarmament, demobilization and reintegration programmes through the assessed budget for peacekeeping remained an issue of concern.

Statements were made by all members of the Council and the representatives of Armenia, Canada, Colombia, Costa Rica, Egypt, India, Indonesia, Ireland (on behalf of the European Union),³ Japan, Mali,

³ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

Mexico, New Zealand (on behalf of the Pacific Islands Forum),⁴ Norway, Peru, the Republic of Korea, the Syrian Arab Republic, Sierra Leone, South Africa, Switzerland, Ukraine and Zimbabwe.

The Council was briefed by the Under-Secretary-General for Disarmament Affairs, who expressed hope that the meeting, which was being held in the wake of the first biennial meeting of States to consider the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, as well as the establishment of an open-ended working group to negotiate an international instrument to enable States to identify and trace illicit small arms and light weapons, would contribute to strengthening the achievements obtained.⁵

Most speakers acknowledged that small arms and light weapons posed a grave threat to international peace and security, and welcomed the report of the Secretary-General. The majority of the speakers called for full implementation of the Programme of Action, and expressed support for the open-ended working group created by the General Assembly to negotiate an international instrument on tracing illicit small arms and light weapons.⁶ A number of speakers advocated closer interaction between the Security Council and the General Assembly; concurred with the Secretary-General's emphasis on the disarmament, demobilization and reintegration of former combatants in post-conflict areas; pointed out the link between the illicit trade in small arms and exploitation of natural resources; and underlined the need for a monitoring mechanism to assure stricter enforcement and compliance with arms embargoes and other sanctions in place.

The representative of Algeria affirmed that the Council should make further use of the means of action conferred on it by the Charter of the United Nations to fight the illicit trade in small arms, and that it should remind Member States of their obligation to enforce

⁴ Australia, Fiji, the Marshall Islands, Micronesia (Federated States of), Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu aligned themselves with the statement.

⁵ S/PV.4896, p. 3.

⁶ The working group was established by General Assembly resolution 58/241.

arms embargoes more rigorously and effectively in conformity with Article 41 of the Charter.⁷

The representative of South Africa expressed the belief that the negotiations in the General Assembly would produce a practical and effective instrument that would assist Member States in tracing the origin of weapons, and would also facilitate the effective implementation of arms embargoes, as mandated under Chapter VII of the Charter.⁸ The representative of the Philippines stated that the General Assembly's focus on establishing universal norms and making rules to control the proliferation of small arms and light weapons was not mutually exclusive of the Council's concerns regarding practical measures such as arms embargoes and disarmament, demobilization and reintegration in conflict situations. He advised that the Council should not be overburdened with the same issues already under consideration by the Assembly, and, endorsed by Brazil, supported the holding of consultations between the presidencies of the Council and the Assembly to identify complementarities and avoid duplication in their work.⁹ The representative of Colombia argued that while there was a lack of compliance with arms embargoes by Member States and no significant progress on legislation to ensure effective control, there had been even less progress in the recommendations whose implementation depended directly on the Council, including failure to enhance interaction with the General Assembly. He also raised the question whether the Council could deal with illicit trade in small arms under Chapter VII of the Charter in the same way as it used resolution 1373 (2006) to fight terrorism, bearing in mind that the former constituted an equal or even greater threat to international peace and security.¹⁰

Several speakers remarked on States' legal use of small arms and light weapons for defence purposes. The representative of Algeria suggested that a precise analysis of the factors generating and developing the trade in small arms would help to clarify the concepts and prevent lumping illegal flows together with the legal trade in small arms covered by Article 51 of the Charter.¹¹ Similarly, the representative of Costa Rica proposed that there was a need to adopt binding norms

defining when the use of weapons was legitimate and under what conditions arms transfers could be authorized.¹² The representative of Colombia asserted that export control mechanisms should not be based on criteria that took into account only the views and interests of the countries that produced and exported small arms, without considering the interests of importing countries, particularly those countries affected by the illicit trade in small arms. He stressed that criteria such as respect for human rights, existence of internal conflicts, and imbalances between defence and development expenditures were by their very nature subjective criteria and, if applied by exporting countries, could violate the right of all States to import and possess small arms for their self-defence in accordance with Article 51 of the Charter. The use of such criteria also tended to violate the principle of non-intervention, as they had the effect of deciding unilaterally what should be the security and defence needs of the importing country.¹³ The representative of Romania acknowledged that countries had the right to self-defence and that arms production and transfers were therefore legitimate, but stressed that such transfers needed to be carefully controlled by government policies and regulations, and that clear and strict criteria on arms exports should be implemented.¹⁴

The President (Chile) made a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Welcomed all efforts already undertaken by Member States, and called upon them to fully implement at the national, regional and international levels the recommendations contained in the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted on 20 July 2001 by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

Reiterated its call upon all Member States to effectively implement arms embargoes and other sanction measures imposed by the Council in its relevant resolutions, and urged Member States in a position to do so to provide assistance to interested States in strengthening their capacity to fulfil their obligations in this regard; encouraged Members to undertake vigorous actions aimed at restricting the supply of small arms, light weapons and ammunitions to areas of instability; further encouraged Member States to provide the sanctions Committees

⁷ S/PV.4896, pp. 18-19.

⁸ *Ibid.*, p. 28.

⁹ *Ibid.*, p. 7 (Philippines); and p. 14 (Brazil).

¹⁰ *Ibid.*, pp. 29-30.

¹¹ *Ibid.*, p. 19.

¹² S/PV.4896 (Resumption 1), p. 15.

¹³ S/PV.4896, p. 30.

¹⁴ *Ibid.*, p. 4.

¹⁵ S/PRST/2004/1.

with available information on alleged violations of arms embargoes, and also called upon Member States to give due consideration to the recommendations of the related reports;

Reiterated the importance of carrying out disarmament, demobilization and reintegration programmes, an increasingly essential component of peacekeeping mandates, as comprehensively and effectively as possible in post-conflict situations under its consideration.

**Decision of 17 February 2005 (5127th meeting):
statement by the President**

At its 5127th meeting, on 17 February 2005, the Council included in its agenda the report of the Secretary-General on small arms of 7 February 2005,¹⁶ which elaborated on further implementation of his 12 recommendations. In his report, the Secretary-General commended progress in the areas of tracing illicit small arms and light weapons; enforcement of Council resolutions on sanctions; disarmament, demobilization and reintegration in post-conflict situations; illicit brokering in small arms and light weapons; and participation in reporting instruments on arms transparency. He also expressed support for the practice of establishing mechanisms to support, monitor and assess the implementation of sanctions and to provide technical advice to sanctions committees, and a more vigorous effort by the Council to adopt measures to identify and punish those who violated arms embargoes. The Secretary-General, however, noted that no assistance had yet been received from Member States for the establishment of the small arms advisory service, and stated that more remained to be done on the links between illicit small arms and light weapons and the illicit exploitation of natural resources. He recommended that the Council and the General Assembly establish a committee for further cooperation between the two organs. He called for the Council to adopt a comprehensive and regional approach to disarmament, demobilization and reintegration and address cross-border activities; not only the political and security aspects but also the social and economic aspects of disarmament, demobilization and reintegration needed to be addressed.

¹⁶ S/2005/69, submitted pursuant to the statement by the President of 19 January 2004 (S/PRST/2004/1), in which the Council requested an update on the further implementation of the recommendations contained in the report of 20 September 2002 (S/2002/1053).

The Council was briefed by the Under-Secretary-General for Disarmament Affairs and statements were made by all members¹⁷ and the representatives of Australia, Canada, Costa Rica, Egypt, India, Indonesia, Luxembourg (on behalf of the European Union),¹⁸ Mali, Mexico, Nigeria, Norway, Peru, the Republic of Korea, the Republic of Moldova, Senegal, South Africa, Switzerland, Turkey, Ukraine, Venezuela (Bolivarian Republic of) and Zambia.

The Under-Secretary-General provided an overview of the report and stated that although the open-ended working group to negotiate an international instrument to enable States to identify and trace illicit small arms and light weapons was moving closer to reaching an agreement, it was far from reaching consensus on issues such as the nature of the international instrument.¹⁹

Most speakers welcomed the report and called for the Council's continued attention to small arms and light weapons. The speakers emphasized, inter alia, the need to establish a group of governmental experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering; encourage all States to establish legislative measures to ensure effective control over the export and transfer of small arms; address the link between the illicit trade in small arms and the exploitation of natural resources; respect the right of States to self-defence and self-determination; and adopt a stronger monitoring mechanism to identify violators of arms embargoes. The representative of Greece added that countries would have to exert restraint when exporting to conflict areas, even when an arms embargo had not been imposed.²⁰

A number of speakers called for a comprehensive approach to the complex consequences of small arms proliferation, which included, but were not limited to, diversion to terrorist groups, human rights violations, and interruption of development, human security and democracy. As part of such an approach, the speakers

¹⁷ Japan was represented by the Special Assistant to the Prime Minister in charge of Foreign Affairs and former Minister for Foreign Affairs of Japan.

¹⁸ Albania, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹⁹ S/PV.5127, pp. 2-3.

²⁰ *Ibid.*, p. 13.

suggested that the Council should include provisions relating to the disarmament, demobilization and reintegration of former combatants in the mandates of peacekeeping operations. The representative of Costa Rica asserted that the transfer of military material should be banned from States whose military units or security forces participated in systematic violation of human rights, and expressed regret that the Secretary-General's report made no reference to the need for an international and legally binding instrument to stop transfers of weapons that contributed to such violations. He added that the Council had not exercised its responsibility stemming from Article 26 of the Charter, which recognized the link between development and disarmament and called for the least diversion of human and economic resources for armaments.²¹

The majority of the speakers welcomed the discussion on a draft international instrument to identify and trace illicit small arms during two sessions of the open-ended working group, and hoped for further progress in overcoming the disagreements on the nature of the instrument and the inclusion of ammunition. A number of speakers stated that the instrument should be legally binding,²² while the representative of the Philippines asserted that the question of legal obligation should not be a wedge issue because the illicit trafficking in small arms and light weapons was already criminalized in many jurisdictions.²³ The representative of Mexico argued that the instrument should be legally binding not only to ensure its effectiveness but also to set a positive precedent for future negotiations on other issues related to small arms and light weapons in the United Nations.²⁴ Others voiced their opinion that the

instrument should be both legally binding and include ammunition.²⁵

The representative of the United States warned that the international instrument under discussion should be practical and effective, and that it should not interfere with existing commitments in other forums.²⁶ The representative of Ukraine added that each element in the tracing of illicit small arms and light weapons should remain a national prerogative, and that any arrangement to be established or strengthened by a new international instrument on tracing should not duplicate, complicate, or diminish the effectiveness of existing mechanisms.²⁷

The speakers also supported the Secretary-General's recommendation of greater interaction with the General Assembly and INTERPOL. The representative of Switzerland suggested that the presidential statement to be issued would gain from mentioning the need for increased cooperation with INTERPOL in tracing small arms and light weapons.²⁸ The representative of South Africa expressed his view that, although the General Assembly bore the primary responsibility for overseeing and monitoring initiatives on illicit brokering of small arms and light weapons within the framework of the Programme of Action, the Council should continue its involvement in the issue.²⁹ The representative of Egypt noted that for a better coordination in the strategies of the two entities the Council should take into account the distinction between its mandate and the more comprehensive role of the General Assembly. He also believed that before establishing a committee to oversee that effort as proposed by the Secretary-General, it was necessary to take steps to achieve the required transparency in the work of the Security Council committees on arms embargoes against particular regions.³⁰ On the other hand, the representative of India expressed the view that thematic debates should have no place in the Council and were best left to the General Assembly.³¹

²¹ S/PV.5127 (Resumption 1), pp. 14-15.

²² S/PV.5127, p. 6 (United Kingdom); p. 8 (Argentina); p. 10 (Brazil); p. 13 (Greece); p. 18 (Denmark); p. 19 (France); p. 22 (Luxembourg, on behalf of the European Union); p. 26 (Canada); p. 29 (Mexico); p. 30 (Peru); S/PV.5127 (Resumption 1), p. 3 (Nigeria); p. 4 (Senegal); p. 6 (Turkey); p. 8 (Indonesia); p. 10 (India); p. 12 (Norway); p. 13 (Moldova); and p. 15 (Costa Rica).

²³ S/PV.5127, p. 16.

²⁴ *Ibid.*, p. 29.

²⁵ *Ibid.*, p. 6 (United Kingdom); p. 8 (Argentina); p. 23 (Luxembourg); and p. 30 (Peru); S/PV.5127 (Resumption 1), p. 6 (Turkey); and pp. 10-11 (India).

²⁶ S/PV.5127, p. 5.

²⁷ *Ibid.*, p. 24.

²⁸ *Ibid.*, p. 28.

²⁹ *Ibid.*, p. 22.

³⁰ *Ibid.*, p. 31.

³¹ S/PV.5127 (Resumption 1), p. 9.

The President (Benin) made a statement on behalf of the Council,³² by which the Council, *inter alia*:

Recognized that the dissemination of illicit small arms and light weapons had hampered the peaceful settlement of disputes, fuelled such disputes into armed conflicts and contributed to the prolongation of such armed conflicts;

Encouraged the arms-exporting countries to exercise the highest degree of responsibility in small arms and light weapons transactions according to their existing responsibilities under relevant international law;

Noted with appreciation that regional actions on illicit trade in small arms and light weapons in all its aspects had been strengthened in recent years;

Welcomed the ongoing efforts by the open-ended working group established by the General Assembly in resolution 58/241 to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons;

Welcomed the inclusion of man-portable air defence systems, on an exceptional basis, in the United Nations Register on Conventional Arms;

Called upon all Member States to enforce all Council resolutions on sanctions, including those imposing arms embargoes, and to bring their own domestic implementation into compliance with the Council's measures on sanctions;

Underlined the fact that the issue of the illicit trade in small arms and light weapons must be addressed together with the disarmament, demobilization and reintegration process in the post-conflict phases.

Deliberations of 20 March 2006 (5390th meeting)

At its 5390th meeting, on 20 March 2006, the Council included in its agenda the report of the Secretary-General on small arms of 17 February 2006,³³ concerning the initiatives undertaken to implement his recommendations. In his report, the Secretary-General commended the adoption of the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons; noted the enhancement of the INTERPOL Weapons Electronic Tracing System; welcomed the emphasis on the importance of inter-mission cooperation; and recommended that the Council explicitly articulate the role of peacekeeping missions regarding disarmament, demobilization and reintegration in the mandates of

peacekeeping operations. The Secretary-General also supported the continuing attention paid by the Council to the links between the illicit exploitation of natural resources and the illicit trade in small arms; the initiatives on control over the export and transit of small and light weapons; the practice of establishing mechanisms to support, monitor and assess the implementation of sanctions and provide technical advice to sanctions committees; and the growing participation of Member States in the reporting instruments on armaments.

The Council heard a briefing by the Officer-in-Charge of the Department for Disarmament Affairs and statements were made by all Council members³⁴ and the representatives of Australia, Austria (on behalf of the European Union), Brazil, Cambodia, Canada, Colombia, Egypt, Fiji, Guatemala, Guyana (on behalf of the Rio Group),³⁵ Indonesia, Nigeria, Norway, Papua New Guinea (on behalf of the Pacific Islands Forum),³⁶ the Republic of Korea, Saint Kitts and Nevis, Senegal, Sierra Leone, South Africa, Ukraine and Uruguay.

The Officer-in-Charge of the Department for Disarmament Affairs welcomed the adoption of a politically binding international instrument to enable States to trace illicit small arms, but stressed that the challenge was to take the necessary steps to ensure the full implementation of the instrument. She welcomed the fact that the General Assembly had decided to establish a group of governmental experts to consider further steps to enhance international cooperation to prevent, combat and eradicate illicit brokering. She also noted that the wide diversity of views expressed in debates during the preparatory session for the United Nations conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

³⁴ Peru was represented by the Minister for Foreign Affairs.

³⁵ Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of) aligned themselves with the statement.

³⁶ Australia, Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Palau, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu aligned themselves with the statement.

³² S/PRST/2005/7.

³³ S/2006/109, submitted pursuant to the statement by the President of 17 February 2005 (S/PRST/2005/7).

showed the complexity of the challenges posed by illicit small arms.³⁷

Most speakers called for more effective implementation of disarmament, demobilization and reintegration programmes, and supported the Council's decision to include provisions for such programmes in the mandates of United Nations peacekeeping operations. The speakers emphasized, *inter alia*, the need to address cooperation with the General Assembly, INTERPOL, civil society, and non-governmental organizations; issues regarding women and children in the areas of conflict; the link between illicit small arms and exploitation of natural resources; the establishment of a monitoring system to enhance the implementation of arms embargoes; the creation of national legislation to stop the diversion of legal weapons; and the root causes of small arms proliferation, such as a weak State, porous borders, unemployment, poverty and social injustice. Speakers also welcomed the establishment of a group of governmental experts to consider further steps to enhance international cooperation to prevent illicit brokering in small arms and light weapons, and hoped for more progress in the upcoming United Nations conference to review progress made in the implementation of the Programme of Action. The representative of the Russian Federation expressed his belief that the Programme of Action was aimed at preventing and eradicating the illicit trade in small arms and light weapons, and therefore it was too early to consider extending its scope to monitoring the legal transfer of weapons.³⁸ The representative of Indonesia stated that, although he commended the Council's commitment to eradicating the illicit trade in small arms and light weapons, it was necessary to remind the Council that the problem was of a broader dimension than the mandate of the Council and that a tremendous amount of work was being done in the General Assembly.³⁹

Most speakers welcomed the adoption of the international instrument by the General Assembly as an important achievement and called for commitments from Member States for its full implementation. A number of speakers, however, expressed regret at the non-binding nature of the instrument and hoped it would develop into a legally binding international

³⁷ S/PV.5390, pp. 2-4.

³⁸ *Ibid.*, p. 13.

³⁹ S/PV.5390 (Resumption 1), p. 7.

mechanism.⁴⁰ The representative of the United Republic of Tanzania stated that the Council could not afford "to remain aloof" when its intensive efforts in conflict prevention or peacekeeping were undermined by the proliferation of small arms and light weapons. He also asserted that because presidential statements had brought little change in the conduct of actors on the ground, a universal, binding framework on small arms and light weapons would best serve the Council's resolve to act.⁴¹ The representative of Ghana also expressed his reservations regarding the instrument's purely political and voluntary nature.⁴² Several speakers added that the instrument should have included provisions on ammunition,⁴³ and others concurred on the need for stricter controls on the supply and transfer of ammunition.⁴⁴

Several speakers encouraged the Council to support negotiations on an arms trade treaty, which would include legally binding standards for transfers of all conventional arms, including heavy weapons, small arms and light weapons, and which would also have the effect of strengthening the effectiveness of arms embargoes imposed by the Council.⁴⁵ A number of speakers welcomed the proposal by Argentina for a draft resolution on small arms and light weapons, and expressed their belief that such a resolution would strengthen the Council's position on the issue.⁴⁶ The representative of Sierra Leone, echoing the statement by the representative of Argentina, asserted that the Council should not continue to issue presidential statements but needed to go beyond its expression of

⁴⁰ S/PV.5390, p. 5 (Peru); p. 6 (Qatar); p. 18 (Denmark); p. 23 (Austria, on behalf of the European Union); p. 25 (Guyana, on behalf of the Rio Group); p. 31 (South Africa); p. 33 (Brazil); p. 35 (Colombia); S/PV.5390 (Resumption 1), p. 5 (Senegal); and p. 10 (Nigeria).

⁴¹ S/PV.5390, p. 10.

⁴² *Ibid.*, p. 20.

⁴³ *Ibid.*, pp. 10-11 (Congo); p. 23 (Austria, on behalf of the European Union); p. 31 (South Africa); and p. 33 (Brazil).

⁴⁴ *Ibid.*, p. 12 (Greece); and p. 25 (Guyana, on behalf of the Rio Group); S/PV.5390 (Resumption 1), p. 11 (Norway).

⁴⁵ S/PV.5390, p. 9 (United Kingdom); p. 18 (Denmark on behalf of the European Union); and p. 27 (Sierra Leone); S/PV.5390 (Resumption 1), p. 12 (Norway).

⁴⁶ S/PV.5390, p. 5 (Peru); p. 9 (United Kingdom); p. 13 (Greece); p. 19 (Slovakia); p. 24 (Austria, on behalf of the European Union); p. 26 (Australia); p. 27 (Sierra Leone); p. 33 (Brazil); S/PV.5390 (Resumption 1), p. 10 (Nigeria); and p. 11 (Norway).

grave concern in resolution 1209 (1998). He said that the Council should state categorically and unequivocally that the excessive accumulation and circulation of small arms constituted a threat to international peace and security to underline the seriousness of the issue and the determination of the Council to deal with it more effectively.⁴⁷

**Decision of 29 June 2007 (5709th meeting):
statement by the President**

At the 5709th meeting, on 29 June 2007, the President (Belgium) made a statement on behalf of the Council,⁴⁸ by which the Council, *inter alia*:

Recalled its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security;

⁴⁷ S/PV.5390, p. 22 (Argentina); and p. 27 (Sierra Leone).

⁴⁸ S/PRST/2007/24.

Noted with grave concern that the destabilizing accumulation and illicit manufacture, trade and circulation of small arms and light weapons in many regions of the world increased the intensity and duration of armed conflicts;

Reaffirmed the inherent right to individual or collective self-defence consistent with Article 51 of the Charter;

Underlined the need to address this issue and, in this regard, requested the Secretary-General to submit to the Council on a biennale basis a report on small arms;

Stressed the need to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons;

Encouraged increased efforts to end the illicit trade in small arms and light weapons at the national, regional and international levels;

Called upon all Member States to abide by their obligations to observe the arms embargoes established under relevant Council resolutions.

41. General issues relating to sanctions

**Decision of 8 August 2006 (5507th meeting):
resolution 1699 (2006)**

At its 5507th meeting, held on 8 August 2006, the Security Council considered the item entitled "General issues relating to sanctions".¹ The President (Ghana) drew attention to a draft resolution, submitted by Argentina, Denmark, France, Japan, Slovakia, the United Kingdom and the United States;² it was put to the vote and adopted unanimously as resolution 1699 (2006), by which the Council, *inter alia*:

Requested the Secretary-General to take the necessary steps to increase cooperation between the United Nations and INTERPOL in order to provide the sanctions Committees with better tools, to fulfil their mandates more effectively and to give Member States better optional tools to implement those measures adopted by the Security Council and monitored by the Committees, as well as similar measures that might be adopted by the Council in the future, particularly the freezing of assets, travel bans and arms embargoes;

¹ This question was also considered by the Security Council in 2000, 2001 and 2003.

² S/2000/616.

Encouraged Member States to use the tools offered by INTERPOL, particularly the I-24/7 global police communications system, to reinforce the implementation of such measures and similar measures that might be adopted by the Council in the future.

**Decision of 19 December 2006 (5599th meeting):
resolution 1730 (2006)**

At the 5599th meeting, held on 19 December 2006,³ the President (Qatar) drew attention to a draft resolution, submitted by Argentina, Denmark, France, Greece, Japan, Peru, the Russian Federation, Slovakia, the United Kingdom and the United States;⁴ it was put to the vote and adopted unanimously as resolution 1730 (2006), by which the Council, *inter alia*:

Adopted the delisting procedure set forth in the annex to the resolution, and requested the Secretary-General to establish within the Secretariat (Security Council Subsidiary Organs Branch), a focal point to receive delisting requests and to perform the tasks described in the annex;

³ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 (1) of the Charter.

⁴ S/2006/996.

Directed the sanctions committees established by the Security Council, including those established pursuant to resolutions 751 (1992), 918 (1994), 1132 (1997), 1267 (1999), 1518 (2003), 1521 (2005), 1533 (2004), 1572 (2004), 1591 (2005), 1636 (2005) and 1718 (2006) to revise their guidelines accordingly; and decided to remain seized of the matter.

The representatives of France, Denmark and Greece emphasized that the procedure just adopted enabled individuals and entities that had been listed for sanctions to present their petitions for delisting directly to a focal point created to that end within the Secretariat, and expressed hope that the new procedure would strengthen the support of States for the sanctions regimes.⁵ The representatives of Denmark, Greece and Qatar strongly urged the Security Council to continue its work on ensuring fair and clear procedures for listing and delisting.⁶ The representative of Argentina noted that the changes represented progress in the defence of human rights and in awareness-raising among all members of the Council on the need to operate in respect for the law and human rights.⁷

The representative of Qatar expressed concern that the resolution failed to respect many legal norms and standards that should be respected and applied by both the Security Council and its sanctions committees in the delisting of individuals. He continued that the Council had established a focal point that lacked independence, neutrality, standards or controls for delisting. He expressed his country's regret that the sponsors of the resolutions did not take up its proposal to allow legal representatives of listed persons to petition for delisting, particularly since some listed persons were now deceased and could not submit their own petitions. He expressed hope that the Council would review the annex and the entire issue, and that there would be

⁵ S/PV.5599, p. 2 (France, Denmark); and p. 3 (Greece).

⁶ Ibid., p. 3 (Denmark, Greece and Qatar).

⁷ Ibid., p. 3.

transparency, objectivity and independence in the consideration of delisting requests.⁸

**Decision of 21 December 2006 (5605th meeting):
resolution 1732 (2006)**

At the 5605th meeting, on 21 December 2006, the President (Qatar) drew attention to a draft resolution submitted by Argentina, Denmark, France, Japan, Slovakia, the United Kingdom and the United States.⁹ He also drew attention to the report of the Informal Working Group on General Issues of Sanctions,¹⁰ which provided the best practices with respect to sanctions that had been approved by the Committee in the areas of sanctions design, implementation, evaluation and follow-up, committee working methods, monitoring and enforcement, and methodological standards and reporting format for expert groups.

The draft resolution was put to the vote and adopted unanimously as resolution 1732 (2006), by which the Council, inter alia:

Welcomed the report of the Informal Working Group on General Issues of Sanctions, established pursuant to paragraph 3 of the note by the President of the Security Council dated 17 April 2000;¹¹

Decided that the Working Group had fulfilled its mandate as contained in the note by the President of the Security Council dated 29 December 2005,¹² to develop general recommendations on how to improve the effectiveness of United Nations sanctions;

Took note with interest of the best practices and methods contained in the report of the Working Group and requested its subsidiary bodies to take note as well.

⁸ Ibid., pp. 3-4.

⁹ S/2006/1004.

¹⁰ S/2006/997.

¹¹ S/2000/319.

¹² S/2005/841.

42. Items relating to the maintenance of international peace and security

A. The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead

Initial proceedings

Decision of 12 July 2005 (5225th meeting): statement by the President

At its 5225th meeting, on 12 July 2005, the Security Council included in its agenda the item entitled “The maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead” and a letter from the representative of Greece to the Secretary-General, transmitting a discussion paper prepared by the presidency on the topic.¹

Statements were made by all members of the Council,² the Secretary-General, the Under-Secretary-General for Peacekeeping Operations and the representatives of Canada, Fiji, India, Indonesia, Malaysia, Norway, Peru and Venezuela (Bolivarian Republic of).³

Opening the meeting, the President (Greece), speaking in his national capacity, stated that the early prevention of humanitarian crises had become a political and moral imperative for the Security Council, and called for the United Nations to strengthen its capacity to move from reaction to prevention of crises. While the duty and responsibility for the protection of civilians rested primarily with the States concerned, in cases of extreme violations and atrocities against

human beings, the international community had an obligation to the victims of such violence. He held that to prevent the re-emergence of humanitarian suffering and the potential recurrence of the conflict, three key fields of post-conflict security had to be adequately addressed: the promotion of the rule of law; the disarmament, demobilization and reintegration of ex-combatants; and security sector reform. However, any measures adopted in those fields could be successful only if local ownership was ensured.⁴

The Secretary-General noted that almost the entire Council agenda and almost every crisis it had to deal with had a humanitarian dimension. The task should be to prevent suffering, and all too often efforts failed because the gravity of the threat was not recognized until it was too late. That was why he believed that Member States should recognize that whenever a particular State was unable or unwilling to protect its citizens against extreme violence, there was a collective responsibility for all States to do so, a responsibility that must be assumed by the Council.⁵

The Under-Secretary-General for Peacekeeping Operations stressed that if peace was to be lasting, the short-, medium- and long-term security and justice needs of both the State and its population must be addressed equally. On that front, there were several areas that deserved further study and potential improvements. First, insufficient attention was accorded to a comprehensive national security review process to identify the threats to State and human security and the development of a security architecture that was responsive to identified threats. Secondly, international efforts related to the security and justice sectors were often disjointed. Thirdly, within the United Nations, there was no agreement on a single, system-wide approach on those issues. Fourthly, international approaches in support of security sector reform in post-conflict countries often applied foreign models and standards, which might be unsuitable in the light of the realities on the ground. He made clear that the United Nations system must continue to work on rationalizing its approaches, integrating its resources and capacities, and delivering a single and

¹ S/2005/434.

² The meeting was chaired by the Minister for Foreign Affairs of Greece. The representative of the United Kingdom made a statement on behalf of the European Union; Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Ukraine aligned themselves with the statement.

³ The representative of the Republic of Korea was invited to participate in the meeting but did not make a statement.

⁴ S/PV.5225, pp. 2-3.

⁵ *Ibid.*, pp. 3-5.

comprehensive United Nations response for the Governments and peoples it was called on to assist.⁶

Speakers agreed that the three fundamental pillars of lasting peacebuilding — promotion of the rule of law, disarmament, demobilization and reintegration; and security sector reform were most suitable to address the fundamental causes of most conflicts and that those pillars needed to be further strengthened. They emphasized that there was no one-size-fits-all approach, and the representative of Denmark pointed out that “as a supervisor of its own decisions”, the Council must always stand ready to re-examine a conflict situation on the basis of relevant advice and adjust its mandate accordingly.⁷

Most speakers acknowledged the link between security and development. The representative of the Philippines reminded States that the Security Council had recognized the link between security and human rights, as the peacekeeping mandates for El Salvador, Cambodia, Angola, Liberia and Georgia had included a human rights component, and the protection of civilians had been enshrined in resolution 1296 (2000), among others.⁸ Speakers in general agreed that a greater role of the Council in tackling root causes of conflicts would contribute to conflict prevention. The representative of the Philippines stated that there was “a more ideal role for the Council” to prevent the onset of humanitarian crises.⁹ Most speakers welcomed the proposed creation of a peacebuilding commission, as they saw a need for a more coordinated and comprehensive approach to and a coherent vision of peacebuilding.

The representative of Canada emphasized that the international community already had at its disposal the necessary tools and powers to exercise its responsibility to protect civilian populations — they were in the Charter of the United Nations. However, he held that a framework was needed to guide that responsibility, and the “responsibility to protect” provided such a framework.¹⁰ The representative of France maintained that a consensus was emerging on the concept of a “responsibility to protect”,¹¹ which was in no way synonymous with interference and was not so different

from the current practice of the Security Council.¹² The representative of Venezuela (Bolivarian Republic of) said that the “responsibility to protect” was rooted in the belief that the international community had the right to intervene in any Member State in “a false rescue operation on behalf of the people supposedly afflicted by State repression”, and that it had no basis in the Charter or international law.¹³

The representative of Benin pointed to the need to promote the political settlement of conflicts from which humanitarian crises resulted.¹⁴ Other speakers stressed the need for the Council to be provided with credible, reliable and verifiable information to ensure that it took the correct actions and initiated early action.¹⁵ Some speakers stressed an early warning capability of the Secretariat¹⁶ or called for the Council itself to act as an early warning mechanism.¹⁷ The representative of the United Kingdom said that the Council should be prepared from the earliest stage to make a leading contribution to international efforts to avert a descent into conflict and humanitarian suffering.¹⁸

The representative of India stated that the topic of the debate belonged more to the General Assembly.¹⁹ Along the same lines, the representative of Algeria held that, as the Council could not always try to do everything everywhere, the Peacebuilding Commission could be the appropriate body for crafting and implementing strategies for addressing pre-conflict and post-conflict situations.²⁰ The representative of Malaysia maintained that, with regard to the interconnectedness of threats and challenges faced by the international community, the role played by the Security Council could certainly be augmented by debate in the other principal organs of the United Nations, namely, the General Assembly and the Economic and Social Council.²¹ The representative of Venezuela (Bolivarian Republic of) maintained that,

⁶ Ibid., pp. 5-8.

⁷ Ibid., p. 16.

⁸ Ibid., p. 17.

⁹ Ibid., p. 18.

¹⁰ Ibid., p. 31.

¹¹ See also section 39 (Protection of civilians in armed conflict) of the present chapter.

¹² Ibid., p. 34.

¹³ Ibid., p. 26.

¹⁴ Ibid., p. 29.

¹⁵ Ibid., p. 18 (Fiji); pp. 20-21 (United Republic of Tanzania); p. 24 (Malaysia); and p. 29 (Benin).

¹⁶ Ibid., p. 24 (Malaysia); and p. 32 (United Kingdom, on behalf of the European Union).

¹⁷ Ibid., pp. 12-13 (Peru); and p. 29 (Benin).

¹⁸ Ibid., p. 32.

¹⁹ Ibid., p. 14.

²⁰ Ibid., p. 11.

²¹ Ibid., p. 24.

while peacekeeping operations were the responsibility of the Security Council and, on a subsidiary basis, the General Assembly, peacebuilding operations were exclusively the responsibility of the people of the country afflicted by conflict. The United Nations was obliged to respect the self-determination of peoples and therefore its sole task was to support the process through international cooperation and on the basis of the parameters, norms and principles freely established by the people concerned.²²

The representative of China stressed that the Security Council, as the organ of the United Nations bearing the primary responsibility for international peace and security, should, as a matter of course, play a lead role in conflict prevention and management; effective conflict prevention and resolution, as well as post-conflict reconstruction, were the primary functions of the Security Council in response to humanitarian crises. At the same time, he emphasized that all the participants in post-conflict reconstruction efforts should abide by the purposes and principles of the Charter and universally recognized norms of international law and should respect the sovereignty and territorial integrity of the countries concerned.²³

The representative of Peru believed that, to improve the Security Council's response to humanitarian crises, its five permanent members could arrive at a gentleman's agreement not to use the veto when it was a question of crises involving crimes against humanity, such as massive violations of human rights, ethnic cleansing and genocide.²⁴

The President made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Reaffirmed the purposes and principles enshrined in the Charter of the United Nations and bore in mind its primary responsibility for the maintenance of international peace and security;

Remained deeply concerned by the devastating humanitarian, political and economic consequences of armed conflicts; stressed the political and moral imperatives to prevent the outbreak and escalation of armed conflicts and humanitarian crises, and the benefits therein for peace and development and friendly relations among States;

Reiterated the importance it attached to the urgent restoration of justice and the rule of law in post-conflict societies and in promoting national reconciliation, democratic development, and human rights;

Recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict and acknowledged the importance of civilian-military cooperation in crisis management;

Took note with interest of the important proposal by the Secretary-General to establish a peacebuilding commission;

Acknowledged that in post-conflict societies successful peacebuilding rested on the premise that protection of civilians, the promotion of the rule of law and transitional justice, disarmament, demobilization, repatriation, reintegration and rehabilitation of former combatants, security sector and democratic, economic and social reform were integrated elements and that national ownership played an important role which should be supported by the international community.

B. The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations

Decision of 18 July 2005 (5228th meeting): statement by the President

At its 5228th meeting, on 18 July 2005,²⁶ the Security Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations and the Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS). Statements were made by all members of the Council.

The Under-Secretary-General said that some had initially wondered whether resolution 1308 (2000) belonged on the agenda of the Council,²⁷ but the resolution had helped AIDS gain the attention it deserved from the Department of Peacekeeping Operations, and the Department had developed a comprehensive strategy since the adoption of the resolution to reduce the risk of peacekeepers contracting or transmitting the virus. The Under-Secretary-General discussed, *inter alia*, the support of

²² *Ibid.*, p. 24-25.

²³ *Ibid.*, p. 19-20.

²⁴ *Ibid.*, p. 13.

²⁵ S/PRST/2005/30.

²⁶ For more information on this discussion, see chap. VI, part II, sect. B, case 11 (a), with regard to relations with the Economic and Social Council.

²⁷ By resolution 1308 (2000) the Security Council expressed concern at the potential damaging impact of HIV/AIDS on the health of peacekeeping personnel.

Member States that had contributed to the success of the Department's AIDS programmes; the Department's strategy; cooperation between the Department, UNAIDS, the United Nations Population Fund (UNFPA), and the United Nations Volunteers; outreach projects that targeted local communities and a survey undertaken to assess the Department's training programme, which showed that awareness was high but support from the command structure was low. He emphasized the need to ensure that AIDS awareness was considered a command responsibility, moving beyond rhetoric to engagement at the highest levels. The Department focused not only on how to reduce the risk of HIV transmission, but also on training peacekeepers in gender awareness, human rights and child protection to enhance their ability to recognize and respond to sexual violence and exploitation. The Under-Secretary-General reiterated that addressing HIV/AIDS initiatives in peacekeeping should be a joint effort involving Member States, troop-contributing countries, the United Nations and host communities.²⁸

The Executive Director of UNAIDS stated that the Council had transformed how the world viewed AIDS through resolution 1380 (2000), which underlined that the spread of HIV/AIDS might pose a risk to stability and security. He expressed regret that, despite the implementation of large-scale programmes on HIV prevention and treatment, the threat posed by the AIDS epidemic remained high. He commended the achievements of the Department of Peacekeeping Operations in mainstreaming AIDS responses into every United Nations peacekeeping mission. He also noted that a small but growing number of defence, military and political leaders fully understood the need to address AIDS and had begun to make investments. However, strong leadership was required in the Council and in every single country in order to make the consideration of AIDS a part of core military business everywhere. He expressed the hope that the Council would make an explicit and time-bound goal, and ensure that peacekeeping missions were given the means to meet their responsibilities with respect to HIV.²⁹

Council members acknowledged the threat posed by AIDS to the stability, socio-economic development, and security of affected countries, and expressed support for the initiatives and recommendations of the

Department of Peacekeeping Operations and UNAIDS on the implementation of resolution 1308 (2000). The speakers, inter alia, called for a comprehensive international commitment, advocated stronger cooperation between the Department and UNAIDS and supported further expansion of HIV/AIDS prevention activities in uniformed populations more generally.

Several speakers commented on the role of the Security Council. The representative of Algeria stated that a comprehensive, unified and time-bound effort to combat HIV/AIDS should be devised and carried out by the General Assembly, given the limited mandate of the Council, and the actions of the Council needed to be fully integrated into a coordinated undertaking.³⁰ The representative of the Russian Federation, on the other hand, acknowledged the importance of addressing HIV/AIDS in the Security Council in the context of peacekeeping operations, given the exceptional urgency and complex nature of the problem.³¹

The representative of the United Kingdom asserted that while the meeting focused on HIV and AIDS in military and other uniformed services, there were links that could not be ignored among the issues of tackling AIDS in conflict and post-conflict situations and in humanitarian emergencies; AIDS, conflict and gender; and AIDS and fragile States.³²

The President (Greece) made a statement on behalf of the Council,³³ by which the Council, inter alia:

Reaffirmed its commitment to the full implementation of resolution 1308 (2000); also recalled the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on 27 June 2001;

Recognized that men and women in the uniformed services were vital elements in the fight against HIV/AIDS; welcomed the efforts by Member States to counter the spread of the disease;

Recognized that United Nations peacekeeping personnel could be important contributors to the response to HIV/AIDS;

Recognized that significant progress had been made in implementation of resolution 1308 (2000) but that many challenges remained; expressed its readiness to further promote and support the implementation of this resolution;

Welcomed regular briefings by the Department of Peacekeeping Operations and UNAIDS on the progress made;

²⁸ S/PV.5228, pp. 2-5.

²⁹ Ibid., pp. 5-7.

³⁰ Ibid., p. 8.

³¹ Ibid., p. 9.

³² Ibid., pp. 17-18.

³³ S/PRST/2005/33.

reaffirmed 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, in particular in its follow-up to resolution 1308 (2000).

C. The maintenance of international peace and security: role of the Security Council in supporting security sector reform

Initial proceedings

Decision of 20 February 2007 (5632nd meeting): statement by the President

At its 5632nd meeting, on 20 February 2007,³⁴ the Security Council included in its agenda a letter dated 8 February 2007 from the representative of Slovakia addressed to the Secretary-General, which contained a concept paper for the open debate on the role of the Council in supporting security sector reform.³⁵

According to the paper, even though the United Nations system had been engaged in a wide range of security sector reform activities, it lacked a comprehensive, coherent and coordinated approach. The open debate was to provide the opportunity for the Council members and the wider membership of the United Nations to articulate their views and propose recommendations on the role of the Council in security sector reform. Defining the overarching objective as ensuring that the security institutions performed their statutory functions efficiently and effectively, the paper emphasized that security sector reform should guarantee national ownership; adopt a holistic approach that engaged non-military parts of the security sector and non-State actors; be context-specific and receive a long-term commitment that balanced institutional capacity, affordability and sustainability of programmes, sequencing, timing and flexibility. While the United Nations had a crucial role to play in security sector reform given its mandate, legitimacy, experience, and service on the ground, it required a common understanding and a

comprehensive policy framework. The immediate priorities for the United Nations were reaching consensus on a concept of security sector reform; determining an appropriate allocation of roles and responsibilities among the various United Nations entities; generating lessons learned, norms, standards, and best practices and establishing coordinating mechanisms within the United Nations system and with actors in partner countries.

Statements were made by all members of the Council³⁶ and the representatives of Afghanistan, Argentina, Australia, Canada, Cuba (on behalf of the Non-Aligned Movement), Egypt, Germany (on behalf of the European Union),³⁷ Guatemala, Honduras, Japan, the Netherlands, Norway, the Republic of Korea, the Sudan, Switzerland and Uruguay.

The Council also heard briefings by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council, and the Chairman of the Organizational Committee of the Peacebuilding Commission.

The Secretary-General said that peacekeeping operations were making progress in ensuring that peace agreements and disarmament, demobilization and reintegration contributed to the restoration of sustainable security. The operations had developed mediation capacities to support peace negotiations and elaborated comprehensive, system-wide integrated standards and programmes for disarmament, demobilization and reintegration. Emphasizing the importance of addressing the needs and perspectives of the State and the communities within it, the Secretary-General stated that United Nations efforts were focused on supporting national authorities in their efforts to establish sustainable security. Because of its universality and its legitimacy, the United Nations had a contribution to make, particularly coordinating many capacities within the system and engaging external

³⁴ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 11 (c), with regard to relations with the Economic and Social Council; chap. XII, part. I, sect. D, case 9, with regard to Article 2 (7) of the Charter; and chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

³⁵ S/2007/72.

³⁶ China was represented by its Assistant Minister for Foreign Affairs, Italy by its Under-Secretary of State for Foreign Affairs, Qatar by its Assistant Foreign Minister for Follow-up and Head of the Working Group on United Nations Security Council Questions, and Belgium by the Special Envoy of its Minister for Foreign Affairs.

³⁷ Albania, Bosnia and Herzegovina, Croatia, Iceland, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

actors, such as Member States and regional organizations.³⁸

The President of the General Assembly said that because the United Nations had a comparative multilateral advantage over other organizations, owing to its universal legitimacy, it was uniquely positioned to play a leading role in policy formation and capacity-building. She stressed that better coordination of the collective efforts at the international level and within the Organization was necessary. She underlined the need to adopt a common policy within the framework of the General Assembly to define such concepts and coordinate the efforts throughout the Organization and its departments and agencies in the field. She also noted the important coordinating and substantive role that the Peacebuilding Commission could play.³⁹

The President of the Economic and Social Council asserted that the traditional division between security issues and development issues was both artificial and unsustainable, as recovery, reconstruction, and sustainable development were impossible without a secure environment.⁴⁰ The Chairman of the Organizational Committee of the Peacebuilding Commission noted that the Peacebuilding Commission had recognized that effective peacebuilding required meticulous reform of the security sector and had spared no effort to address the question in the countries on its agenda.⁴¹

Most speakers expressed support for the concept paper's emphasis on national ownership and an integrated, comprehensive, coordinated approach, acknowledging that a malfunctioning security sector posed a complex threat to lasting peace, development and human rights. A number of speakers also stressed the complementary roles of the Peacebuilding Commission and the Council.

The representative of South Africa pointed out that the fact that the Security Council included security sector reform elements when authorizing peacekeeping missions should not be misunderstood to imply that the Council had precedence over other United Nations organs. He added that the various contexts in which security sector reform was carried out would not

always be in line with the mandate of the Council.⁴² The representative of the Sudan stated that, although all Member States should carry out an in-depth study on security sector reform, such a study should neither prejudice other organs of the United Nations with a stake in the matter nor fuel the impression that the Council was increasingly interfering in legislative matters that fell within the mandates of other United Nations bodies.⁴³

The representative of Cuba asserted that the lack of clarity in how to assess the ineffectiveness of the security sector could lead to arbitrary implementation and infringement upon the concept of sovereignty. He added that it was not the prerogative of the international community to prescribe the road that countries emerging from conflict should follow. The Security Council, with its limited membership, was not the appropriate framework to plan or direct inter-agency coordination. The Peacebuilding Commission was a better agency for coordinating the works of the United Nations bodies, as the rehabilitation of the security sector was a matter of capacity-building, not reform. He warned that the Council should not repeat the past mistake of attempting to impose reforms on the judicial and security sectors without the prior consent of the concerned State.⁴⁴

The representative of Egypt claimed that the debate on security sector reform was an attempt by the Council to strengthen its control of an issue that fell primarily within the prerogatives of the General Assembly and the Economic and Social Council. He warned that controversial ideas linked to security sector reform, such as the "responsibility to protect" and "human security", sought to utilize humanitarian concepts to codify interference in the internal affairs of States. Echoed by the representative of Honduras, the representative of Egypt called for a comprehensive debate in the General Assembly to reach consensus on the objective of security sector reform and the scope of its application. The Security Council could then discuss its limited role in supporting the national will of States to reform their own security sectors, only in areas affecting the maintenance of international peace and security. He added that the adoption of a presidential statement by the Council before a debate

³⁸ S/PV.5632, pp. 3-4.

³⁹ *Ibid.*, p. 5.

⁴⁰ *Ibid.*, p. 6.

⁴¹ *Ibid.*, p. 6.

⁴² *Ibid.*, p. 17.

⁴³ S/PV.5632 (Resumption 1), p. 25.

⁴⁴ *Ibid.*, p. 9.

by the general membership of the United Nations would not send a positive signal.⁴⁵

The President (Slovakia) made a statement on behalf of the Council,⁴⁶ by which the Council, *inter alia*:

Underlined that it was the sovereign right and the primary responsibility of the country concerned to determine the national approach and priorities of security sector reform;

Recognized the need, when mandating a United Nations operation, to consider the national security sector reform priorities, while laying the foundation for peace consolidation, which could, *inter alia*, subsequently enable timely withdrawal of international peacekeepers;

Emphasized the important role that the Peacebuilding Commission could play in ensuring continuous international support to countries emerging from conflict;

Emphasized that security sector reform must be context-driven and that the needs would vary from situation to situation; encouraged States to formulate their security sector reform programmes in a holistic way that encompassed strategic planning, institutional structures, resource management, operational capacity, civilian oversight and good governance;

Acknowledged the need for a comprehensive report of the Secretary-General on United Nations approaches to security sector reform, to foster its implementation in post-conflict environments, and expressed its readiness to consider such a report within the scope of its prerogatives under the Charter.

D. Maintenance of international peace and security

Initial proceedings

Decision of 25 June 2007 (5705th meeting): statement by the President

At its 5705th meeting, on 25 June 2007,⁴⁷ the Security Council included in its agenda a letter dated 6 June 2007 from the representative of Belgium addressed to the Secretary-General on natural resources

and conflict, transmitting a concept paper for an open debate.⁴⁸

It was recognized in the paper that the Council was already dealing with conflict situations linked to natural resources through its peacekeeping operations and sanctions. The representative of Belgium, in the paper, stated that the debate at the Council, *inter alia*, aimed to explore how the effectiveness of the Council's action in the area could be strengthened. The paper also provided information on the Kimberley Process, a joint effort by States, the private sector and civil society to put in place a global system of certificates of origin for rough diamonds. The questions to be considered included the role of the Council in encouraging existing initiatives and in early identification, given that improving the governance of natural resources in the absence of conflict was not the primary responsibility of the Council; lessons learned from peacekeeping operations and ways to give their mandates adequate capacity to deal with sanctions; and the transition from a sanctions-driven approach to a reconstruction-oriented one for the natural resources sector in post-conflict situations, during which the Council should hand over its responsibilities to other bodies.

Statements were made by all members of the Council⁴⁹ and the representatives of Argentina, Benin, Botswana, Brazil, Canada (on behalf also of Australia and New Zealand), the Democratic Republic of the Congo, Egypt, Germany (on behalf of the European Union),⁵⁰ Iceland, India, Japan, Liechtenstein, Norway, Pakistan, Senegal, Switzerland and Tunisia (on behalf of the Group of African States).⁵¹

The Council was briefed by the Under-Secretary-General for Political Affairs, the President of the General Assembly and the President of the Economic and Social Council.

The Under-Secretary-General drew attention to resolution 1625 (2005), in which the Council

⁴⁵ *Ibid.*, pp. 13-14 (Egypt); and p. 16 (Honduras).

⁴⁶ S/PRST/2007/3.

⁴⁷ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 11 (d), with regard to relations with the Economic and Social Council; chap. XI, part III, sect. B, with regard to Article 41 of the Charter; chap. XII, part I, sect. D, case 10, with regard to Article 2 (7) of the Charter; and chap. XII, part II, sect. A, case 17, with regard to Article 24 of the Charter.

⁴⁸ S/2007/334.

⁴⁹ Indonesia was represented by its Deputy Minister for Foreign Affairs.

⁵⁰ Albania, Armenia, Croatia, Georgia, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

⁵¹ The representative of Angola was invited to participate but did not make a statement.

recognized the link between illegal exploitation of natural resources and conflict. He noted that targeted measures imposed by the Council were playing a crucial role in sustaining peace processes, and that peacekeeping operations could be vital in monitoring developments on the ground, enforcing sanctions and embargoes, and supporting State capacity. As neither sanctions nor peacekeeping operations alone could produce sustainable solutions to the problem, however, a commitment from all stakeholders to the equitable sharing of natural resources and to good governance, accountability and transparency was required. He called for enhanced crisis-prevention strategies; inclusion of natural resources management in peace processes and constitutions; and efforts by regional organizations, Member States, and non-governmental organizations to regulate business practices and promote corporate social responsibility and attention to the potential for the natural resource challenge to provide opportunities for national cooperation.⁵²

The President of the General Assembly emphasized the need for greater cooperation and coordination between the Council and the General Assembly and added that, while the international community should respect the sovereign rights of all Member States, it should encourage a more rationalized and effective use of natural resources.⁵³

The President of the Economic and Social Council asserted that conflicts induced by natural resources required integrated, multidisciplinary approaches as such conflicts were rooted in economic and social structures. The United Nations system could support timely action by making natural resources a factor of stability and development, promoting diversification of the economy and helping to build a strong and accountable Government. He suggested the establishment of a format for the Security Council and the Economic and Social Council to discuss development-oriented approaches to the use of natural resources.⁵⁴

Most speakers acknowledged the potential of natural resources in inducing, exacerbating and prolonging conflict and reiterated the view that the lack of development was an underlying cause of such conflicts. They emphasized the need for transparency and good governance in natural resource management;

called for enhanced conflict-prevention capacity and advocated a holistic approach based on coordination by the United Nations bodies, particularly the General Assembly and the Peacebuilding Commission. A number of speakers also called for a broader definition of accountability for conflicts induced by natural resources, which included not only the supply but also the demand. Speakers also, *inter alia*, discussed ways to improve the effectiveness of targeted sanctions; the limitations and benefits of the Kimberley Process for diamonds and the appropriate balance of responsibility between the Economic and Social Council, the General Assembly and the Security Council.

A number of speakers reiterated the emphasis on the sovereignty of States over their natural resources in the interest of development and well-being of their people.⁵⁵ The representative of Qatar asserted that endowing the Council with authority over natural resources contravened international law and diminished the sovereignty of States over their natural resources, as stated in General Assembly resolution 1803 (XVII).⁵⁶ The representatives of Peru and Egypt suggested that the Council should strengthen national capacities for the sovereign management of natural resources agreed on in peace accords.⁵⁷

The President (Belgium) made a statement on behalf of the Council,⁵⁸ by which the Council, *inter alia*:

Emphasized the importance of improving the work of and strengthening the contributions made by existing sanctions committees and the various groups and panels of experts established by the Council in dealing with the impact of illegal exploitation of natural resources on conflicts in the countries under its consideration; also recalled the work done by the Informal Working Group of the Council on General Issues of Sanctions (2006) and referred in this regard to its report;⁵⁹

Acknowledged the crucial role that the Peacebuilding Commission, together with other United Nations and non-United Nations actors, could play, in post-conflict situations, in assisting Governments, upon their request, in ensuring that natural resources became an engine for sustainable development;

Noted the important contribution that voluntary principles and standards played in encouraging multinational enterprises to

⁵² S/PV.5705, pp. 3-5.

⁵³ *Ibid.*, pp. 5-6.

⁵⁴ *Ibid.*, pp. 6-7.

⁵⁵ *Ibid.*, p. 17 (China); and p. 23 (Russian Federation); S/PV.5705 (Resumption 1), p. 3 (India); and p. 6 (Pakistan).

⁵⁶ S/PV.5705, p. 9.

⁵⁷ *Ibid.*, p. 16 (Peru); and p. 30 (Egypt).

⁵⁸ S/PRST/2007/22.

⁵⁹ S/2006/997.

adopt responsible business conduct, such as provided for by Guidelines for Multinational Enterprises and the Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones of the Organisation for Economic Co-operation and Development and the United Nations Global Compact;

Stressed the important role, in the context of security sector reform in post-conflict environments, of transparent and effective national security and Customs structures for the effective control and management of natural resources by preventing the illegal access to and the trade and exploitation of those resources;

Recognized, in armed conflict and post-conflict situations, the need for a more coordinated approach by the United Nations, regional organizations and Governments concerned, in particular the empowerment of Governments in post-conflict situations to better manage their resources.

**Decision of 28 August 2007 (5735th meeting):
statement by the President**

At its 5735th meeting, on 28 August 2007,⁶⁰ the Council included in its agenda the item entitled “Maintenance of international peace and security: role of the Security Council in conflict prevention and resolution, in particular in Africa”, and a letter dated 14 August 2007 from the representative of the Congo transmitting a concept paper on the topic.⁶¹ In it, the representative of the Congo reaffirmed resolution 1625 (2005), in which the Council had expressed its determination to enhance the effectiveness of the United Nations in the prevention of armed conflicts. He then noted that the debate intended to promote a comprehensive strategy for conflict prevention that would take advantage of existing international, regional and subregional mechanisms. While deploring that too often the Council had been reactive to conflicts rather than preventive, he suggested a number of points of discussion such as the role of the Council in institutionalizing conflict prevention within the United Nations system and how to guarantee the coherence and functionality of existing African conflict resolution mechanisms.

Statements were made by all Council members, as well as the Secretary-General, the representative of

Haiti on behalf of the President of the General Assembly, the representative of Ghana in his capacity as Acting Chairperson of the Organizational Committee of the Peacebuilding Commission, and the representatives of Algeria, Argentina, Benin, Canada, Croatia, the Democratic Republic of the Congo, Gabon, Guatemala, Honduras, Japan, Kenya, the Libyan Arab Jamahiriya, Namibia, Norway, Portugal (on behalf of the European Union and others), the Sudan, Switzerland, Uganda, the United Republic of Tanzania and Viet Nam.

Opening the debate, the Secretary-General stressed that more resources should be devoted to conflict prevention and mediation. Although there had been a 40 per cent drop in armed conflicts since 1990, owing partly to expanded United Nations peacekeeping, peacemaking and other conflict-prevention activities, he called for sustained international political will to reinforce preventive action in its broadest sense. In particular, he announced that in the coming months he would present proposals for strengthening the capabilities of the Department of Political Affairs with the goal of making more effective use of his good offices, as he believed in engagement and dialogue as opposed to confrontation. He added that regional organizations could also contribute and asserted that sustainable development and the building of peace in countries emerging from conflict were crucial.⁶²

The representative of Haiti, speaking on behalf of the President of the General Assembly, emphasized that there was still room for progress in enhancing cooperation and coordination between the General Assembly, the Security Council, the Economic and Social Council and the Secretary-General. The creation in 2005 of the Peacebuilding Commission however constituted a step forward in the field of conflict prevention. He affirmed that, in the end, it was up to each State to take responsibility to prevent conflict.⁶³

The Acting Chairperson of the Organizational Committee of the Peacebuilding Commission called for increased cooperation between the Council and the Peacebuilding Commission. He recognized that the focus of the debate on Africa was particularly relevant as the centre of the Commission’s attention had so far been on African countries. He then acknowledged the work of the

⁶⁰ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 11 (e), with regard to relations with the Economic and Social Council; and chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

⁶¹ S/2007/496.

⁶² S/PV.5735, pp. 2-4.

⁶³ *Ibid.*, pp. 4-5.

Ad Hoc Working Group on Conflict Prevention of the Security Council over the past 10 years and stressed that he looked forward to examining ways to better engage the Council, the General Assembly and the Economic and Social Council.⁶⁴

Speakers were unanimous in reaffirming the importance of preventing conflict in a comprehensive and strategic manner and renewed their commitment to enhancing the Council's role in preventing and resolving conflict in all its forms.

Several speakers however deplored the Council's tendency to examine the root causes of conflict only after fighting had broken out.⁶⁵ For the representative of Gabon, while conflict prevention should be the primary function of the Security Council, in recent years it had had limited success in this field.⁶⁶ The representative of Kenya noted that too often the Council had been stuck in its traditional approach of peacekeeping, and added that, because peacekeeping was more expensive, energies should be channelled to conflict prevention.⁶⁷ This idea was shared by the representative of Algeria.⁶⁸ The representative of Slovakia for his part called for a switch from the "culture of reaction" to the "culture of prevention".⁶⁹ The representative of the Sudan suggested that it would be beneficial for the Council to include the question of political settlement among its priorities.⁷⁰ Citing the example of the "destabilizing effects" of Zimbabwe's economic and governance crisis on the region, the representative of Canada called for intensified regional diplomacy and urged the Council to receive regular briefings on "this steadily deteriorating situation".⁷¹

The representative of China, and others, also noted that preventive diplomacy needed to be strengthened.⁷² The representative of the Russian Federation proposed the establishment of an effective pan-African security architecture that aimed both at conflict prevention and resolution and at post-conflict

reconstruction issues, as a key component of a strategy to strengthen peace.⁷³

The representative of Uganda focused his intervention on peacekeeping. Citing the example of Somalia, he urged the Council to put a halt to the practice of not authorizing peacekeeping operations when there was no peace to keep, and to provide countries that were undertaking peacekeeping operations on its behalf with logistical and financial support.⁷⁴ This was supported by the representative of the Democratic Republic of the Congo.⁷⁵ On this issue, the representative of Japan added that, on the contrary, in principle every organization should be responsible for its own costs, and that, when examining the possibility of offering financial support, the Council should do so on a case-by-case basis, "taking into account whether such support would be consistent with the principles that govern United Nations peacekeeping operations".⁷⁶

In order to strengthen conflict prevention strategies, many speakers called for effective coordination between and within United Nations organs, including the Security Council, the programmes, funds and agencies and the Peacebuilding Commission in policy formulation and implementation, risk assessment, early warning and best practices.⁷⁷ The representative of Portugal, speaking on behalf of the European Union, argued that more cooperation and coherence was needed in the field, not only among the main bodies of the United Nations but also with international and regional actors, including non-governmental organizations.⁷⁸ In fact, several delegations affirmed that supporting civil society was crucial as it was an important partner in preventing conflicts.⁷⁹ The

⁶⁴ Ibid., pp. 5-6.

⁶⁵ Ibid., p. 7 (Panama); p. 8 (Slovakia); p. 9 (Italy); and p. 12 (United Kingdom).

⁶⁶ Ibid., p. 17.

⁶⁷ S/PV.5735 (Resumption 1), p. 6.

⁶⁸ Ibid., p. 10.

⁶⁹ S/PV.5735, pp. 8-9.

⁷⁰ Ibid., p. 27.

⁷¹ Ibid., p. 31.

⁷² Ibid., p. 17 (China); p. 20 (Russian Federation); and S/PV.5735 (Resumption 1), p. 5 (Viet Nam).

⁷³ Ibid., p. 20.

⁷⁴ S/PV.5735 (Resumption 1), p. 3.

⁷⁵ Ibid., p. 8.

⁷⁶ Ibid., p. 12.

⁷⁷ S/PV.5735, p. 8 (Peru); p. 9 (Slovakia); p. 10 (Italy); p. 18 (China); p. 20 (Russian Federation); p. 21 (Indonesia); p. 23 (France); p. 24 (Congo); p. 26 (Portugal, on behalf of the European Union); p. 28 (Norway); p. 32 (Argentina); S/PV.5735 (Resumption 1), p. 5 (Viet Nam); p. 6 (Kenya); p. 8 (Croatia); and p. 12 (Japan).

⁷⁸ S/PV.5735, p. 26.

⁷⁹ S/PV.5735, p. 26 (Portugal, on behalf of the European Union); p. 29 (Switzerland); S/PV.5735 (Resumption 1), p. 5 (Viet Nam); p. 7 (Democratic Republic of the Congo); and p. 11 (Algeria).

representative of Norway added that for the United Nations to succeed in security operations it was absolutely necessary that the Organization be perceived as a single unified actor and be able to act as one.⁸⁰ The idea of the institutionalization of the relationship between the Security Council and all entities participating in conflict prevention was also raised by the representative of Namibia.⁸¹ The representative of Japan suggested that the Council should refer to the Peacebuilding Commission the task of following up on problems relating to the consolidation of peace discussed in relevant thematic debates.⁸²

Many speakers also agreed on the need to enhance the capacity and the mandate of the Secretariat to prevent conflicts. The representative of the United Kingdom called for more Secretariat capacity in political analysis and conflict assessment, as well as for a “joined-up approach” across the system for early warning.⁸³ This was echoed by the representative of France who added that the Secretariat should be given the means to be better and more quickly informed of the precursors of a crisis,⁸⁴ and the representative of Benin suggested specific prevention measures such as awareness raising political missions, mediation missions and preventive deployment.⁸⁵ The representative of Switzerland however indicated that strengthening capacities for mediation and good offices could not depend on the good will of contributors and that new assessed contributions would have to be specifically dedicated.⁸⁶ While the representative of China called for an enhanced role of the Secretary-General in good offices,⁸⁷ the representative of Algeria thought that the Secretary-General also had a role of coordination among all actors of conflict prevention,⁸⁸ and the representative of Peru called on the Council to use such tools as early warning mechanisms provided by the Secretary-General.⁸⁹ The representative of Guatemala however warned against the institutionalization of the Group of Friends for the prevention of conflict proposed by the Secretary-General, as strengthening

coherence within the United Nations system was the priority.⁹⁰ The representative of Slovakia said that conflict prevention should be given serious consideration in the current reforms of the United Nations system.⁹¹

A number of speakers specifically supported strengthening the capacity of the Department of Political Affairs in conflict prevention and mediation. The representative of Italy in particular stressed the importance of enhancing political missions in crisis situations.⁹² Several representatives welcomed the establishment of a mediation support unit within the Department as a first step towards the fulfilment of its conflict prevention mandate,⁹³ and the representative of Japan considered it important for the envisaged unit to enhance its own partnership with regional organizations.⁹⁴ By contrast, the representative of Guatemala believed it was premature to discuss the role of the unit since it had not yet been established and called on the Secretary-General to explain the role it might play in conflict prevention in his forthcoming report to the General Assembly.⁹⁵

Speakers were in full agreement on the need to reinforce cooperation between the United Nations and regional and subregional organizations. In particular, most speakers called for a stronger and more structured relationship between the Council and the African Union Peace and Security Council in accordance with Chapter VIII of the Charter and welcomed the recent adoption of a comprehensive framework of the two bodies in this regard.⁹⁶ The representative of Algeria expressed the hope that the African Union would soon be able to improve its system of early warning,

⁸⁰ S/PV.5735, p. 28.

⁸¹ *Ibid.*, p. 33.

⁸² S/PV.5735 (Resumption 1), p. 12.

⁸³ S/PV.5735, p. 12.

⁸⁴ *Ibid.*, p. 22.

⁸⁵ S/PV.5735 (Resumption 1), p. 13.

⁸⁶ S/PV.5735, p. 29.

⁸⁷ *Ibid.*, p. 18.

⁸⁸ S/PV.5735 (Resumption 1), p. 10.

⁸⁹ S/PV.5735, p. 8.

⁹⁰ S/PV.5735 (Resumption 1), p. 4.

⁹¹ S/PV.5735, p. 9.

⁹² S/PV.5735, p. 10.

⁹³ S/PV.5735, p. 29 (Switzerland); p. 30 (Canada); p. 33 (Namibia); S/PV.5735 (Resumption 1), p. 8 (Democratic Republic of the Congo); p. 12 (Japan); and p. 13 (Benin).

⁹⁴ S/PV.5735 (Resumption 1), p. 12.

⁹⁵ *Ibid.*, p. 4.

⁹⁶ S/PV.5735, p. 8 (Peru); p. 10 (Italy); p. 11 (United States, United Kingdom); p. 14 (Ghana); p. 16 (Qatar); p. 18 (China); p. 19 (Belgium); p. 20 (Russian Federation); p. 22 (Indonesia, France); p. 24 (Congo); p. 26 (Portugal, on behalf of the European Union); p. 28 (Norway); p. 29 (Switzerland); p. 31 (Namibia); S/PV.5735 (Resumption 1), p. 4 (Guatemala); p. 10 (Honduras); p. 11 (Algeria); and p. 18 (Gabon).

collection and analysis of information and mediation.⁹⁷ The representative of Portugal announced that a joint strategy of the European Union and Africa for the next decade was currently under negotiation,⁹⁸ and the representative of the United Republic of Tanzania thought that it was time for the Council and the Secretary-General to consider the establishment of a mechanism similar to the Peacebuilding Commission to develop a comprehensive strategy for conflict prevention, in partnership with regional organizations.⁹⁹

Almost all speakers also reaffirmed the need to address the root causes of conflicts in Africa, such as poverty, lack of development, lack of democracy, human rights violations, socio-economic issues, environmental issues, cultural and ethnic tensions, illicit trafficking in small arms and mismanagement of natural resources, by adopting a comprehensive approach. The representative of Peru was of the view that effective preventive efforts in Africa had to take into account the most basic needs of the population.¹⁰⁰ This was echoed by many who reaffirmed the importance of implementing the Millennium Development Goals as part of the conflict prevention strategy.¹⁰¹ The representative of Qatar expressed the view that analysing the experiences of past conflicts in Africa could be helpful.¹⁰² The representative of Canada held that the Peacebuilding Commission should expand its agenda to include additional States at risk as well as such cross-cutting themes as children affected by armed conflict and the role of women in peace and security.¹⁰³

The representative of France stressed that the protection of civilians, women and children, combating impunity and human rights violations were essential factors in preventing the resurgence of conflicts, and held that health and climate change issues had an impact on stability in Africa.¹⁰⁴ The representative of Namibia, echoed by others, also focused on the need for more efforts in the fields of disarmament, the

strengthening of judicial systems, transitional justice, reconciliation and security sector reform.¹⁰⁵

While stressing the need for the Security Council to pay attention to the underlying causes of conflicts in Africa, the representative of Ghana also remarked that this raised the question as to what problems should and should not be discussed by the Council.¹⁰⁶ Similarly, the representative of Qatar, echoed by the representative of China, noted that the Council must be able to deal with African issues transparently, while respecting States' sovereignty and territorial integrity.¹⁰⁷ The representative of Indonesia also pointed out that preventive measures called for by the international community often fell under the jurisdiction of States as most African conflicts were intra-State conflicts.¹⁰⁸

Finally, a number of speakers specifically recalled the 2005 World Summit Outcome, which codified the responsibility to protect, and others more generally reaffirmed the primary responsibility for national authorities in conflict prevention. The representative of Slovakia was of the view that this also implied the responsibility to identify potential risks and ask for the assistance of the international community.¹⁰⁹ The representative of Portugal, echoed by a few others, also affirmed that the International Criminal Court could play a role in preventing the use of force.¹¹⁰ The representative of the Democratic Republic of the Congo called for the establishment of an international criminal tribunal for his country, where millions had lost their lives due to conflict.¹¹¹

At the end of the meeting, the President made a statement on behalf of the Council,¹¹² by which the Council, *inter alia*:

Recalled that the prevention of conflict remained a primary responsibility of Member States;

⁹⁷ S/PV.5735 (Resumption 1), p. 11.

⁹⁸ S/PV.5735, p. 27.

⁹⁹ S/PV.5735 (Resumption 1), p. 15.

¹⁰⁰ S/PV.5735, p. 7.

¹⁰¹ *Ibid.*, p. 3 (Secretary-General); p. 7 (Peru); p. 13 (United Kingdom); p. 27 (Sudan); and S/PV.5735 (Resumption 1), p. 18 (Gabon).

¹⁰² S/PV.5735, p. 16.

¹⁰³ *Ibid.*, p. 30.

¹⁰⁴ *Ibid.*, p. 23.

¹⁰⁵ *Ibid.*, pp. 26-27 (Portugal, on behalf of the European Union); p. 31 (Namibia); and S/PV.5735 (Resumption 1), p. 7 (Democratic Republic of the Congo).

¹⁰⁶ S/PV.5735, p. 14.

¹⁰⁷ *Ibid.*, p. 17 and p. 18, respectively.

¹⁰⁸ *Ibid.*, p. 21.

¹⁰⁹ *Ibid.*, p. 9.

¹¹⁰ *Ibid.*, p. 18 (Belgium); p. 27 (Portugal, on behalf of the European Union); S/PV.5735 (Resumption 1), p. 7 (Democratic Republic of the Congo); p. 14 (Benin); and p. 15 (United Republic of Tanzania).

¹¹¹ S/PV.5735 (Resumption 1), p. 7.

¹¹² S/PRST/2007/31.

Requested the Secretary-General to report to the Council within 60 days on options for the further implementation of resolution 1625 (2005);

Stressed the need to carry out efforts to increase women's participation as contributors and beneficiaries in conflict prevention and peacebuilding, and called for the further implementation of its resolution 1325 (2000);

Supported the comprehensive and global approach recommended by the Secretary-General in his report on the prevention of armed conflict,¹¹³ namely, structural prevention, to address the root causes of conflict; operational prevention, to ensure the effective operation of early warning mechanisms, mediation, humanitarian access and response, the protection of civilians and targeted sanctions in the face of immediate crises; and systemic prevention, to prevent existing conflicts from spilling over into other States;

Recognized that effective coordination between and within United Nations organs was vital for ensuring better coherence of the existing mechanisms and the appropriate balance between peacekeeping operations and preventive activities;

Welcomed recent developments regarding the long-term prevention of conflict, including policy work on security sector reform, disarmament, demobilization and reintegration, transitional justice and the rule of law, electoral practices, peacebuilding, democratic governance, development, humanitarian assistance and protection, and safe and voluntary return of refugees and internally displaced persons;

Encouraged the Secretary-General to continue efforts in order to improve the United Nations early warning, mediation support and other preventive activities;

Stressed the importance of a regional approach to conflict prevention and welcomed the growing contribution being made by regional organizations;

Underlined the need for a stronger and more structured relationship between the Security Council and the Peace and Security Council of the African Union;

Encouraged Member States to make further efforts to ensure adequate consultation between civil society and national institutions, on the one hand, and the United Nations and the international community, on the other hand, so as to be better equipped to address the global character of questions of peace and security.

¹¹³ A/60/891.

43. Women and peace and security

Decision of 28 October 2004 (5066th meeting): statement by the President

At its 5066th meeting, on 28 October 2004, the Security Council included in its agenda the report of the Secretary-General on women and peace and security.¹ At the meeting, all Council members and 27 other representatives made statements.²

Pursuant to a statement by the President of the Council of 31 October 2002,³ the report of the Secretary-General was a follow-up report on the implementation of resolution 1325 (2000), in which he presented recommendations for enhanced implementation of the resolution in the areas of intergovernmental processes; conflict prevention and

early warning; peace processes and negotiation; peacekeeping operations; humanitarian response; post-conflict reconstruction; disarmament, demobilization and reintegration; and preventing and responding to gender-based violence in armed conflict. He also stated his intention to present a system-wide action plan to increase attention to gender perspectives in conflict prevention and peacekeeping operations.

At the meeting, statements were made by the Under-Secretary-General for Peacekeeping Operations; the United Nations High Commissioner for Human Rights, and Executive Director of the United Nations Population Fund (UNFPA). Statements were made by the representative of the Women's Network for the Protection of Human Rights and Peace; the Executive Director of the United Nations Development Fund for Women (UNIFEM); the Deputy Secretary-General of the Commonwealth Secretariat; and Director of the International Research and Training Institute for the Advancement of Women (INSTRAW).

Introducing the report of the Secretary-General, the Under-Secretary-General cited as remaining challenges the following points with respect to women and security: more effective coordination among the

¹ S/2004/814.

² The representatives of Argentina, Australia, Bangladesh, Canada, El Salvador, Fiji, Guatemala, Honduras, Iceland, India, Indonesia, Japan, Kenya, Liechtenstein, Mali, Mexico, Myanmar, Namibia, the Netherlands, New Zealand, Nigeria, Norway, the Republic of Korea, South Africa, Sweden, the Syrian Arab Republic and the United Republic of Tanzania.

³ S/PRST/2002/32.

United Nations, non-governmental organizations and civil society; better truth and reconciliation processes; better utilization of women's knowledge and experience in conflict prevention and early warning; the need to enhance female representation in peace processes and negotiations; and the need to strengthen the ability to prevent and respond to gender-based violence. He stressed that, to attain sustainable results, gender-based violence, whether manifested in the form of mass rapes, sexual exploitation of women and girls, domestic violence or trafficking, must not be treated in isolation. What was lacking was the commitment to preventing and responding to gender-based violence as a critical priority in any framework for post-conflict peacebuilding. He reaffirmed that his Department was taking seriously the issue of sexual abuse and exploitation by humanitarian and peacekeeping personnel, adding that "our work cannot be considered complete on that front for as long as sexual exploitation or abuse is being committed by a single peacekeeper or humanitarian worker". To stop these abhorrent acts, he said that the United Nations system needed to work hand in hand with Member States.⁴

Stressing that the violations women experienced would never be dealt with appropriately until justice issues received sufficient attention both nationally and internationally, the United Nations High Commissioner for Human Rights argued that the international community and national Governments must address more effectively impunity and the reconstruction of the justice system. She called on the Council to provide explicitly, wherever relevant, for compliance with all aspects of resolution 1325 (2000), particularly the obligations to protect women and girls during conflict; to ensure the equal participation of women in peace negotiations as well as conflict prevention; to ensure access to justice for women; and to integrate a gender perspective into all peacekeeping and humanitarian activities. She urged the Council to combat impunity for gender-based violence by advocating the training of security forces and law enforcement agencies in accordance with international humanitarian law and human rights law, in particular women's rights.⁵

The Executive Director of UNFPA called for the following actions to be taken immediately in order to respond to the victims of gender-based violence: increasing political will to ensure that women and girls

received real protection from gender-based violence in their homes, in refugee camps or other locations; increasing the collection of evidence of sexual violence, and bringing perpetrators to justice; ensuring that peacekeeping and humanitarian personnel were trained to respond to gender-based violence; ensuring training of health personnel in caring for victims of sexual violence; providing victims with adequate legal, psychological and reproductive health services; and targeting community leaders with programmes on the importance of not stigmatizing victims of sexual violence. She also pointed to the devastating consequences of the transmission of HIV/AIDS through sexual violence. She called for increased funding to programmes addressing gender-based violence.⁶

The representative of the Women's Network for the Protection of Human Rights and Peace recommended that funding be increased to the human rights and gender sections of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) so that the Mission could establish a genuine partnership with women's groups, especially in the most backward, rural regions of the Democratic Republic of the Congo. She also urged that MONUC be strengthened so that it would have the capacity to locate girl soldiers and ensure their inclusion in disarmament, demobilization, rehabilitation and reintegration programmes.⁷

The Executive Director of UNIFEM asserted that the world was at a historical crossroads where the opportunity now existed to make the rule of law and the gender equality perspective central to peace and reconstruction processes. To this end, she urged that the participation of women, and the incorporation of gender dimensions, be increased in all stages of the conceptualization, planning and implementation of United Nations peacekeeping operations. With respect to post-crisis situations, she recommended that the United Nations should have a central mechanism to focus on coordinated assistance for gender justice.⁸

The Deputy Secretary-General of the Commonwealth Secretariat observed that, notwithstanding the fact that women and children remained deliberate targets in armed conflicts, women

⁴ S/PV.5066, pp. 3-5.

⁵ Ibid., pp. 6-7.

⁶ Ibid., pp. 7-8.

⁷ S/PV.5066 (Resumption 1), pp. 2-3.

⁸ Ibid., pp. 3-6.

had continued to play a crucial role in maintaining and rebuilding the social fabric during conflicts and their aftermath. Highlighting the integrated approach developed by the Commonwealth Secretariat involving men, women and young persons, he affirmed that only through education in support of peace could conflicts be prevented and their harmful effects on women be avoided.⁹

The Director of INSTRAW contended that the designation of a focal point and an expert-level working group on the integration of resolution 1325 (2000) in the Security Council's work, the establishment of a United Nations system-wide action plan as well as national action plans, and annual reporting were initiatives that deserved consideration and support.¹⁰

Speakers were unanimous in welcoming the progress made since the adoption of resolution 1325 (2000) four years previously. They noted that women had achieved greater equality and were better represented in the area of peace and security. Specific actions had been taken by the United Nations, civil society and non-governmental organizations in this respect. Furthermore, there was now a better understanding of the serious and disproportionate effects of armed conflicts on women and girls. At the same time, however, all speakers agreed that much remained to be done for further progress, stressing the urgent need to narrow a wide gap between the realities and the objectives envisioned in resolution 1325 (2000).

Speakers expressed deep concern about the increasing trend of sexual violence against women and girls, particularly when this type of violence was used as an instrument of war. They maintained that the international community should assist countries in need in bringing an end to impunity to gender-based crimes. Pointing out that the Rome Statute of the International Criminal Court defined rape and other forms of violence against women as war crimes and crimes against humanity, many speakers hoped that the Court would play an important role in prosecuting those accused of serious gender-based violence.¹¹

⁹ Ibid., pp. 25-26.

¹⁰ Ibid., pp. 26-27.

¹¹ Ibid., pp. 27-29 (Canada); pp. 29-31 (Netherlands); pp. 21-23 (Brazil); pp. 31-32 (Australia); and pp. 35-36 (South Africa).

In the same vein, most speakers argued that the United Nations must enhance its response to gender-based violence not only during conflicts but also in pre-conflict as well as post-conflict situations. The representative of Germany stated that gender-based violence could only be overcome by empowering women in all aspects of public and private life.¹² The representatives of Chile and the United Republic of Tanzania emphasized that more women needed to be included in peace agreements and peacekeeping operations.¹³ The representative of the Netherlands, speaking on behalf of the European Union, praised the gender resources package of the Department of Peacekeeping Operations as an "impressive piece of work".¹⁴ The representative of Liechtenstein observed that the United Nations "should lead by example" in the appointment of women as special envoys, special representatives and other senior operational officials.¹⁵ However, the representative of India cautioned that, while increasing the number of women in high-level positions was essential, attempts to artificially raise the number of women in peace negotiations would not necessarily guarantee enduring results.¹⁶

The representatives of Benin and the Philippines suggested that all United Nations structures should develop comprehensive strategies to combat gender-based violence.¹⁷ The representatives of France and Canada, speaking for the Human Security Network, emphasized the need to ensure the systematic inclusion of gender-specific contents in the mandates of peacekeeping operations.¹⁸ While supporting the need for a comprehensive strategy, the representative of the Russian Federation cautioned against "general stereotypical recommendations", adding that preparing such an inclusive approach should not impede the search for solutions to specific problems in specific situations.¹⁹

The representatives of Angola and the Philippines suggested that a monitoring system should be established to ensure the implementation of resolution

¹² S/PV.5066, pp. 20-21.

¹³ Ibid., pp. 10-11 (Chile); and S/PV.5066 (Resumption 1), pp. 12-13 (United Republic of Tanzania).

¹⁴ S/PV.5066, pp. 9-30.

¹⁵ S/PV.5066 (Resumption 1), pp. 8-9.

¹⁶ S/PV.5066, pp. 34-35.

¹⁷ Ibid., pp. 11-12 (Benin); and pp. 12-13 (Philippines).

¹⁸ Ibid., pp. 15-17 (France); and pp. 27-29 (Canada).

¹⁹ Ibid., pp. 25-27.

1325 (2000) in the field.²⁰ As part of such a monitoring system, the representative of Romania suggested that a mechanism should be developed to monitor human trafficking.²¹ However, the representative of Algeria cautioned that such a measure might run the risk of going beyond resolution 1325 (2000), raising the question whether the Council was the best place to carry out such a multidimensional activity.²²

Most speakers expressed concern about the conduct of peacekeepers and other United Nations personnel in the field, welcomed the commitment of the United Nations to zero tolerance of trafficking in every peace operation, and sought a similar commitment to zero tolerance of prostitution. The representative of Germany held that all substantive units of a peacekeeping operation should include specialists with gender expertise.²³ The representative of Sweden contended that abused women must have the opportunity to interact with female members of a peacekeeping operation, and suggested that civilian observers be included in military observer teams, which often constituted the only presence of a peacekeeping operation in a given area.²⁴ The representative of Nigeria regretted that the Office of the Special Adviser on Gender Issues was not adequately staffed and funded.²⁵

The representative of the United States agreed with the point made by the High Commissioner for Human Rights that human trafficking was often worsened by the upheaval of post-conflict situations.²⁶

As follow-up measures, the representative of France suggested that the Council should meet periodically, perhaps at the expert level, to discuss the implementation of resolution 1325 (2000).²⁷ The representative of the United Kingdom stressed the importance for the Council to maintain cooperation with non-governmental organizations and civil society representatives.²⁸ Most delegations voiced support for the Secretary-General's proposal of a comprehensive strategy and action plan for mainstreaming a gender

perspective into peacekeeping activities. The representative of Sweden recommended that such an action plan should have specific timelines, resource implications, and clear targets and responsibilities, adding that the focal point might be supplemented by a working group.²⁹ The representative of Pakistan suggested that issues of women and peace and security should be included in the terms of reference for all Council missions, and that the Council should periodically hold Arria-formula meetings with non-governmental organizations and civil society representatives on the question.³⁰

After the debate, the President (United Kingdom) made a statement on behalf of the Council,³¹ by which the Council, *inter alia*:

Strongly condemned the continued acts of gender-based violence in situations of armed conflict; requested the Secretary-General to ensure that human rights monitors and members of commissions of inquiry had the necessary expertise and training in gender-based crimes and in the conduct of investigations, including in a culturally sensitive manner favourable to the needs, dignity and rights of the victims;

Reaffirmed the important role of women in the prevention of conflict and supported the Secretary-General's intention to develop a comprehensive system-wide strategy and action plan for increasing attention to gender perspectives in conflict prevention;

Considered that an increase in the representation of women in all aspects of conflict prevention, peacekeeping and peacebuilding operations and humanitarian response was urgently needed;

Recognized the vital contribution of women in promoting peace and their role in reconstruction processes.

Decision of 27 October 2005 (5294th meeting): statement by the President

At its 5294th meeting, on 27 October 2005, the Council included in its agenda the report of the Secretary-General on women and peace and security.³² The Council heard briefings by the Deputy Secretary-General, the Under-Secretary-General for Peacekeeping Operations, the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, the Executive Director of UNIFEM, the Country Director for Afghanistan of Women for Women International, the

²⁰ *Ibid.*, pp. 17-18 (Angola); and pp. 12-13 (Philippines).

²¹ *Ibid.*, pp. 23-24.

²² *Ibid.*, pp. 14-15.

²³ *Ibid.*, pp. 20-21.

²⁴ S/PV.5066 (Resumption 1), pp. 15-16.

²⁵ *Ibid.*, pp. 24-25.

²⁶ S/PV.5066, pp. 8-10.

²⁷ *Ibid.*, pp. 15-17.

²⁸ *Ibid.*, pp. 25-27.

²⁹ S/PV.5066 (Resumption 1), pp. 15-16.

³⁰ S/PV.5066, pp. 18-20.

³¹ S/PRST/2004/40.

³² S/2005/636.

Regional Adviser for West Africa of the Network of African Women for Peace, the Gender Adviser of the Commonwealth Secretariat, and the Secretary-General of the Inter-Parliamentary Union.

All Council members and 25 other representatives made statements during the meeting.³³

In his report, the Secretary-General presented a United Nations system-wide action plan on the implementation of resolution 1325 (2000), as requested by the Council in its presidential statement of 28 October 2004.³⁴ The action plan would be used by United Nations entities to formulate concrete strategies, actions and programmes, in a consistent and effective manner, to advance the role of women in peace and security areas; ensure more efficient support to Member States and other actors in national and regional-level implementation of resolution 1325 (2000); strengthen the commitment and accountability of the United Nations system at the highest levels; and enhance inter-agency cooperation. In the framework of enhanced coordination and accountability, the action plan would be utilized by intergovernmental and inter-agency bodies as a yardstick against which to assess periodically the United Nations system's efforts. The Secretary-General further proposed in his report that the plan would cover the period from 2005 to 2007. In keeping with the mandates given by the Security Council in resolution 1325 (2000) and the relevant presidential statements, the plan had been structured according to the following 12 areas of action: conflict prevention and early warning; peacemaking and peacebuilding; peacekeeping operations; humanitarian response; post-conflict reconstruction and rehabilitation; disarmament, demobilization and reintegration; preventing and responding to gender-based violence in armed conflict; preventing and responding to sexual exploitation and abuse by United Nations staff, related personnel and United Nations partners; gender balance; coordination and partnership; monitoring and reporting; and financial resources.

³³ The representatives of Australia, Austria, Bangladesh, Canada, Croatia, Egypt, El Salvador, Fiji, Germany, Guinea, Iceland, Indonesia, Israel, Italy, Kenya, Liechtenstein, Malaysia, Myanmar, Namibia (on behalf of the Southern African Development Community), Norway, Peru, Samoa (on behalf of the Pacific Islands Forum), South Africa, Sri Lanka and Sweden.

³⁴ S/PRST/2004/40.

At the outset, the Deputy Secretary-General stated that five years after the adoption of resolution 1325 (2000), women were still not adequately represented at the negotiating table, the Cabinet table or the conference table. Governments clearly needed to redouble their efforts, and the United Nations needed to be more proactive. She underlined that the United Nations needed to develop a more systematic approach to consulting with women in the earliest stages of a peace process, including in discussions on constitutional development, judicial reform and reconciliation. The Organization also needed to maintain the utmost vigilance in preventing further instances of sexual exploitation and abuse by United Nations peacekeepers and personnel.³⁵

The Under-Secretary-General for Peacekeeping Operations agreed that major challenges remained, such as the shameful engagement of some peacekeepers in sexual exploitation. He intended to vigorously address the remaining challenges in the coming years, focusing on the broadening of responsibility for gender mainstreaming and ensuring that all policies were consistent with resolution 1325 (2000). He would work towards increasing the number of women in peacekeeping and refine the partnership frameworks that guided collaboration with United Nations agencies and Member States in the implementation of the resolution.³⁶

The Special Adviser on Gender Issues and Advancement of Women, presenting the Secretary-General's United Nations system-wide action plan for implementing resolution 1325 (2000), said the Council's historic resolution had fundamentally changed the image of women from that of exclusively victims of war to that of active participants as peacemakers, peacebuilders and negotiators. Despite the progress achieved, many gaps remained to be filled. Women's and girls' bodies had become battlegrounds, and they shouldered the main burden of post-conflict problems and were the primary victims of unspeakable sexual and gender-based violence.³⁷

The Executive Director of UNIFEM gave many examples of the Fund's activities to enhance women's situation in conflict-affected societies. In terms of achieving justice for women, she stated that peace

³⁵ S/PV.5294, pp. 3-4.

³⁶ *Ibid.*, pp. 4-6.

³⁷ *Ibid.*, pp. 6-8.

agreements often fell short of providing any strategy or resources to ensure implementation or measures to sanction non-action, especially with regard to issues affecting women. At the heart of the implementation of any real justice in countries recovering from conflict was the demand that human rights violations against women and girls be regarded and treated as crimes by the criminal justice system, and not be left to the rules of customary and traditional legal systems. In terms of moving forward, she suggested that the United Nations needed to adopt a more holistic one-system approach to systematically address the needs and capabilities of women throughout all phases from conflict to peace.³⁸

Given the unfinished agenda for Afghan women, the Country Director for Afghanistan of Women for Women International urged the international community to support the rule of law, not the rule of individuals, warlords or fundamentalists in her country. She urged the Council to consider extending the mandate of the International Security Assistance Force and expanding its work throughout Afghanistan.³⁹

The Regional Adviser for West Africa of the Network of African Women for Peace pointed out that a number of peace agreements in Côte d'Ivoire were agreed without the effective participation of women. She called for better implementation of resolution 1325 (2000), and for enhanced efforts to increase women's awareness of the resolution.⁴⁰

In the discussion that followed, speakers emphasized the need for vigilance in addressing the "disgraceful" issue of sexual exploitation. Agreeing that many gaps remained in implementing the resolution, most speakers agreed that the establishment of the Peacebuilding Commission, as well as the Secretary-General's proposed United Nations system-wide action plan, would provide an opportunity to capitalize on gains already achieved, including by systematically incorporating women at the earliest stages of peace processes.

Welcoming the proposed United Nations system-wide action plan, many representatives opined that the plan responded to the need for more systematic and coordinated implementation of resolution 1325 (2000) in all United Nations activities related to conflict and

for greater coordination throughout the United Nations system.⁴¹

The representatives of Romania, Namibia and Iceland believed that the action plan would be a useful tool and framework of action for gender mainstreaming in all activities being carried out by the United Nations system.⁴² The representative of the United Republic of Tanzania opined that the action plan presented an implementation framework that would allow for coordination and collaboration among the various United Nations bodies. It would also provide a monitoring framework upon which to measure results.⁴³

At the close of the meeting, the President (Romania) made a statement on behalf of the Council,⁴⁴ by which the Council, *inter alia*:

Welcomed the system-wide action plan for the implementation of resolution 1325 (2000) across the United Nations system, and requested the Secretary-General to update, monitor and review its implementation and integration on an annual basis, and report to the Council, starting in October 2006; urged the Secretary-General to proceed with the appointment of a gender adviser within the Department of Political Affairs and to continue to identify women candidates for senior-level positions within the United Nations system, including as special representatives;

Requested the Secretary-General to ensure that all peace accords concluded with United Nations assistance addressed the specific effects of armed conflict on women and girls, as well as their specific needs and priorities in the post-conflict context;

Called upon all parties to armed conflict to ensure full and effective protection of women and emphasized the necessity to end impunity of those responsible for gender-based violence;

Urged troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of misconduct involving their personnel.

³⁸ *Ibid.*, pp. 8-10.

³⁹ *Ibid.*, pp. 10-12.

⁴⁰ *Ibid.*, pp. 12-14.

⁴¹ *Ibid.*, pp. 22-23 (Denmark); pp. 24-26 (United Kingdom, on behalf of the European Union); pp. 29-30 (Japan); S/PV.5294 (Resumption 1), pp. 2-3 (Russian Federation); pp. 3-4 (Philippines); pp. 19-20 (Bangladesh); pp. 21-22 (Peru); pp. 24-26 (Canada, on behalf of the Human Security Network); and pp. 27-28 (Malaysia).

⁴² S/PV.5294 (Resumption 1), pp. 4-5 (Romania); pp. 10-12 (Namibia); and pp. 12-13 (Iceland).

⁴³ S/PV.5294, pp. 14-15.

⁴⁴ S/PRST/2005/52.

**Decision of 26 October 2006 (5556th meeting):
statement by the President**

At its 5556th meeting, on 26 October 2006, the Council included in its agenda the report of the Secretary-General dated 27 September 2006.⁴⁵ The President (Japan) drew the attention of the Council to a letter dated 4 October 2006 from the representative of Japan addressed to the Secretary-General, transmitting a concept paper for the meeting.⁴⁶ The Council heard briefings by the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, the Under-Secretary General for Peacekeeping Operations, the Executive Director of UNIFEM and the Assistant Secretary-General in the Peacebuilding Support Office. In addition to all Council members, 29 representatives made statements.⁴⁷

In his report, the Secretary-General stated that a significant amount of work to implement resolution 1325 (2000) was under way. Many activities were relevant, effective, innovative and important. Progress in implementing a wide array of activities envisaged in the system-wide action plan had been achieved, albeit to a different extent in each area of action. Despite overall positive assessment of the stage of the implementation plan, the review identified a number of gaps and challenges that generally arose in situations of conflict and post-conflict, namely, lack of stability and security; violence, including gender-based violence; poverty, discrimination, democracy deficits, impunity and weak public institutions. In addition, a number of common institutional gaps and challenges to the systematic implementation of the action plan were identified.

The Special Adviser on Gender Issues and Advancement of Women, presenting the report of the Secretary-General, said that the collective efforts to ensure women's equal participation in peace

consolidation had generally fallen short in the past year. From the Democratic Republic of the Congo to the Sudan, and from Somalia to Timor-Leste, women continued to be exposed to violence and to be marginalized in formal processes. While States had a vested interest in maintaining peace and security, it was no secret that, even with political will at the top and pressure from women's groups below, many Governments were hesitant to challenge pre-conflict societal values. The full and effective implementation of resolution 1325 (2000) would require all the will and creativity the international community could muster.⁴⁸

The Under-Secretary-General for Peacekeeping Operations stressed three priority issues facing peacekeeping missions as they endeavoured to provide support for women's participation in transitional processes and beyond, and which required the urgent attention of the Council. First, he highlighted the problem of insecurity and the use of sexual violence as a way to control the movement and actions of women and girls as they worked to rebuild their homes and communities, also after the guns fell silent. Secondly, he emphasized the need to ensure sustained support for women in the political arena in order that they might be part of the decision-making process. To date, the most notable successes in electing women to political office had been achieved in situations where constitutional guarantees had been put in place, establishing quotas regarding the participation of women. Thirdly, he stressed the need to amend and reform discriminatory laws that undermined equality of rights so as to enable the effective participation of women in peacebuilding processes. He further noted that, despite the efforts of his Department to implement resolution 1325 (2000), real gaps remained. He recognized the need to build a critical mass of male champions to advocate and support the translation into practice of commitments to gender equality. Thus, he believed his Department needed a senior male envoy to support the political advocacy efforts. With a view to engaging more effectively with the local population, he suggested that deploying a greater number of women peacekeepers would be an operational imperative.⁴⁹

The Executive Director of UNIFEM, describing peace consolidation as an uncertain enterprise, stated that peace consolidation must include ending impunity

⁴⁵ S/2006/770.

⁴⁶ S/2006/793.

⁴⁷ The representatives of Australia, Bangladesh, Canada, Colombia, the Comoros, Croatia, Egypt, El Salvador, Fiji, Finland (on behalf of the European Union), Germany, Guatemala, Guinea, Iceland, Indonesia, Israel, Kenya, Lesotho, Liechtenstein, Myanmar, the Netherlands, Norway, Papua New Guinea (on behalf of the Pacific Islands Forum), Slovenia (on behalf of the Human Security Network), South Africa, Spain, the Sudan, Sweden and Uganda. The Coordinator of the Dushirehamwe Association and the President of Rede Feto also made statements.

⁴⁸ S/PV.5556, p. 3.

⁴⁹ *Ibid.*, pp. 4-6.

for sexual violence and raising the political and economic costs to those who engaged in it. On the ground in places like Iraq, Afghanistan and Somalia, UNIFEM was seeing the public space for women shrink. Women were becoming targets for assassination when they defended their rights in public decision-making, and violence was brought into homes and communities after conflicts had ended.⁵⁰

The Assistant Secretary-General in the Peacebuilding Support Office stressed the need to support women's roles in the fabric of communities and as agents of change in peacebuilding support. For that reason, her Office was exploring ways to further engage women's civil society organizations in reconstruction efforts. In her view, the Peacebuilding Commission provided an unprecedented opportunity to improve on past practices. Indeed, resolution 1325 (2000) was one of the underpinnings of the Commission's architecture. She opined that as women were disproportionately affected by conflict they must be given disproportionate attention as well.⁵¹

The Coordinator of the Dushirehamwe Association said that Burundian women had long committed themselves to peace. Highlighting the most pressing issues facing women, she said the 30 per cent quota for women's participation in decision-making should not only be raised to 50 per cent, but should also be applied to women at the local level. With women unable to inherit land, she hoped that the Peacebuilding Commission would consider support for Burundi's land commission as one of its top priorities. Appealing for women not to be held hostage to the political situation in Burundi, she stated that women should be enabled to have direct access to financing that allowed them to undertake and consolidate the work that they had been doing at the grassroots level.⁵²

Speaking of the situation for women in Timor-Leste, the President of Rede Feto urged the United Nations to set up formal mechanisms for consultation that would enable women and young people of both sexes to be heard.⁵³

Speakers welcomed the positive developments in the implementation of resolution 1325 (2000), such as increased participation of women in the peace

processes in western Africa as well as the Democratic Republic of the Congo and other places. The representative of South Africa noted with appreciation that women had come together in the Great Lakes region and the Mano River Basin to decide on their own future and to organize their participation in national reconciliation. Also encouraging was the fact that an increasing number of countries had adopted their own national programmes with a view to implementing the resolution.⁵⁴ Speakers were unanimous, however, in acknowledging that much remained to be done at all levels, and called for a more coherent and systematic approach to address the requirements and obligations of the resolution.

The representative of Ghana lamented that the international community had only "paid lip service" to the aspirations underpinning the "epoch-making" resolution, through inconsistent implementation, especially in most developing countries.⁵⁵ The representative of Uganda regretted that not much had been done to implement resolution 1325 (2000), in particular in elaborating on reporting and monitoring mechanisms.⁵⁶ Speakers highlighted the Council's role in supervising the resolution's full and speedy implementation. As the resolution reaffirmed the role of women in preventing and resolving conflicts, the representative of Australia stated that it had made "gender equality and a gender perspective relevant to all Security Council actions".⁵⁷ The representative of Slovenia called for the creation of a mechanism for the Council to monitor its own actions in integrating resolution 1325 (2000) into its work.⁵⁸ For the Council to assess progress in a systematic way, the representative of the United Kingdom stressed the need to develop an action plan for each country with the agreement of the Government, which would ensure that all funds, programmes and agencies assumed particular responsibility for the separate elements of the resolution.⁵⁹ The representative of Indonesia suggested that a focal point or working group of the Council should be considered.⁶⁰

⁵⁰ Ibid., pp. 6-7.

⁵¹ Ibid., pp. 7-10.

⁵² S/PV.5556 (Resumption 1), pp. 2-3.

⁵³ Ibid., pp. 3-4.

⁵⁴ S/PV.5556, pp. 21-22.

⁵⁵ Ibid., pp. 11-13.

⁵⁶ S/PV.5556 (Resumption 1), pp. 10-12.

⁵⁷ S/PV.5556, pp. 20-21.

⁵⁸ Ibid., pp. 22-23.

⁵⁹ Ibid., pp. 26-27.

⁶⁰ S/PV.5556 (Resumption 1), pp. 17-18.

Speakers reaffirmed the need to ensure women's full participation in all phases of the peace processes. Noting that there remained resistance to the notion that women could make a difference, the representative of the United States argued that exclusion in leadership roles was a result of deeply engrained perceptions and change would require deliberate efforts by all.⁶¹ The representative of the United Kingdom noted with concern that, thus far, gender had not been included in a systematic way in peacekeeping missions.⁶²

Together with the representative of China, the representative of the United Kingdom called on the Peacebuilding Commission to accord priority to women in post-conflict situations.⁶³ The representative of Canada urged the Commission to develop modalities to ensure the active participation of civil society, particularly women's groups.⁶⁴ The representative of the Congo maintained that gender issues should be a human rights issue first and foremost and that discrimination must be erased in development programmes as well as post-conflict reconstruction.⁶⁵ The representative of Norway considered it necessary for United Nations country teams to strive for a fully integrated gender plan that reflected the objectives of the resolution, including clear accountability, division of labour and specific actions to be taken.⁶⁶

Most speakers voiced concern at the continuation of sexually based violence in conflict areas, and called for further implementation of the system-wide action plan.

At the end of the meeting, the President (Japan) made a statement on behalf of the Council,⁶⁷ by which the Council, *inter alia*:

Requested the Secretary-General to collect and compile good practices and lessons learned and identify remaining gaps and challenges in order to further promote the efficient and effective implementation of resolution 1325 (2000);

Requested the Secretary-General to ensure that United Nations assistance in gender mainstreaming appropriately addressed the needs and priorities of women in the post-conflict process;

⁶¹ S/PV.5556, pp. 7-8.

⁶² *Ibid.*, pp. 26-27.

⁶³ *Ibid.*, pp. 26-27 (United Kingdom); and pp. 17-18 (China).

⁶⁴ *Ibid.*, pp. 16-17.

⁶⁵ S/PV.5556 (Resumption 1), pp. 4-7.

⁶⁶ S/PV.5556, pp. 15-16.

⁶⁷ S/PRST/2006/42.

Requested the Secretary-General to ensure that disarmament, demobilization and reintegration programmes took specific account of the situation of women ex-combatants and women associated with combatants, as well as their children, and provided for their full access to those programmes;

Remained deeply concerned by the pervasiveness of all forms of violence against women in armed conflict, including killing, maiming, grave sexual violence, abductions and trafficking in persons; reiterated its utmost condemnation of such practices and called upon all parties to armed conflict to ensure full and effective protection of women, and emphasized the necessity to end the impunity of those responsible for gender-based violence;

Reiterated its condemnation, in the strongest terms, of all acts of sexual misconduct by all categories of personnel in United Nations peacekeeping missions; urged the Secretary-General and troop-contributing countries to ensure the full implementation of the recommendations of the Special Committee on Peacekeeping Operations;⁶⁸

Requested the Secretary-General to include in his reporting to the Council progress in gender mainstreaming throughout United Nations peacekeeping missions;

Reiterated its call to Member States to continue to implement resolution 1325 (2000), including through the development and implementation of national action plans or other national-level strategies;

Requested the Secretary-General to continue to update, monitor and review the implementation and integration of the action plan and report to the Council.

Decision of 7 March 2007 (5636th meeting): statement by the President

At the 5636th meeting, on 7 March 2007, no Council members made statements. The President (South Africa) made a statement on behalf of the Council,⁶⁹ by which the Council, *inter alia*:

Reaffirmed its commitment to the full and effective implementation of resolution 1325 (2000);

Reaffirmed the important role of women in the prevention and resolution of conflicts and peacebuilding;

Urged the Secretary-General to continue to appoint more women as special representatives and envoys; and to expand the role and contribution of women in United Nations field-based operations;

Emphasized the need for the inclusion of gender components in peacekeeping operations;

⁶⁸ A/60/19.

⁶⁹ S/PRST/2007/5.

Remained deeply concerned by the pervasiveness of all forms of violence against women and girls in armed conflict, including killing, maiming, grave sexual violence, abductions and trafficking in persons; reiterated its utmost condemnation of such practices and called upon all parties to armed conflict to take specific measures to protect women and girls;

Requested the Secretary-General to ensure that disarmament, demobilization and reintegration programmes took specific account of the situation of women and girls associated with armed forces and armed groups;

Decided to remain actively seized of the matter.

Decision of 23 October 2007 (5766th meeting): statement by the President

At its 5766th meeting, on 23 October 2007, the Council held an open debate on the item. The Council included in its agenda a report of the Secretary-General dated 12 September 2007,⁷⁰ and a letter dated 8 October 2007 from the representative of Ghana addressed to the Secretary-General.⁷¹

The Council heard statements by the Secretary-General, the Under-Secretary-General for Peacekeeping Operations, the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, the Ad Interim Executive Director of UNIFEM, and the Coordinator of the NGO Working Group on Women, Peace and Security. In addition to Council members, 38 representatives made statements.⁷²

In his report, the Secretary-General stated that analysis of the responses received from United Nations entities during the second implementation review had revealed that important groundwork had been laid for a longer-term effort by the United Nations system towards the full implementation of resolution 1325 (2000). Many entities had reported an increased political commitment to gender equality and women's

empowerment in peace processes; strengthened capacity-building, an enhanced institutional environment; improved advocacy, enhanced leadership and greater support by senior officials; and better engagement with Member States and partnerships with national machineries for women, women's associations and networks.

Opening the debate, the Secretary-General said that, since the adoption of the landmark resolution, women had increasingly participated at all levels of peacemaking and peacebuilding, and peace processes had increasingly empowered women and advanced gender equality. However, countries in conflict or those emerging from it needed to establish their own national action plans and take ownership of the implementation of resolution 1325 (2000). He stressed that the collective and individual response to violence against women, which had reached hideous and pandemic proportions, must be strengthened. The Secretary-General reiterated his call that the Security Council establish a mechanism dedicated to monitoring violence against women and girls. For their part, Member States should actively consider proposals to strengthen the Organization's gender architecture, replacing several current structures with one dynamic United Nations entity.⁷³

The Under-Secretary-General for Peacekeeping Operations said that 2007 had seen a number of significant advances in the contribution of women to the prevention and resolution of conflicts and in peacebuilding. Some of those advances had occurred in countries where peacekeeping operations were deployed, such as Haiti and Liberia. On the implementation of resolution 1325 (2006), he noted that in November 2006, the Department of Peacekeeping Operations had adopted a policy directive on gender equality in peacekeeping operations that obliged all uniformed and civilian staff to ensure the equal participation of women, men, boys and girls in all peacekeeping activities. In addition, since February, the number of women in senior civilian positions had increased by almost 40 per cent, and included the appointment of Ellen Margrethe Løj as Special Representative of the Secretary-General to lead the United Nations Mission in Liberia. He stated that over the past seven years the Department's strategy had been to focus on implementation of the individual parts

⁷⁰ S/2007/567.

⁷¹ S/2007/598.

⁷² The representatives of Argentina, Australia, Austria, Bangladesh, Benin, Canada, Colombia, Costa Rica, Croatia, the Democratic Republic of the Congo, Denmark, Egypt, Finland, Germany, Guatemala, Guinea, Honduras, Iceland, Israel, Japan, Kazakhstan, Kenya, Liechtenstein, Malawi, Mexico, Myanmar, the Netherlands, New Zealand, Nicaragua, Norway, Portugal (on behalf of the European Union), the Republic of Korea, Spain, the Sudan, Sweden, the United Arab Emirates, Viet Nam and Zambia (on behalf of the Southern Africa Development Community).

⁷³ S/PV.5766, pp. 2-3.

of resolution 1325 (2000). However, a concerted, integrated approach was needed to address rape and sexual violence in conflicts and in post-conflict situations. While rape was used as a weapon of war in situations like those in the Democratic Republic of the Congo and Darfur, addressing that war crime required going beyond political compromise, and power- and resource-sharing agreements. In combating such crimes, the role of the Security Council was important in ensuring that the mandates and resources it authorized took into account the situation faced by women and girls on the ground.⁷⁴

The Special Adviser on Gender Issues and Advancement of Women, presenting the report of the Secretary-General, stressed that it was imperative for international organizations, national Governments and civil society to work together to identify priorities and develop a practical approach to implementation strategies on women and peace and security. She said that resolution 1325 (2000) was primarily about how to make the world safe for equal participation by women and girls in matters of peace and security. Impunity for perpetrators and an insufficient response to the needs of survivors were morally reprehensible and unacceptable. She stressed that the Council could help by establishing a dedicated mechanism to monitor the situation of women and girls in conflict situations and hold parties to conflicts accountable for sexual and gender-based violence.⁷⁵

The Ad Interim Executive Director of UNIFEM highlighted three main challenges in the implementation of resolution 1325 (2000). First, while there were positive exceptions, women's access to peace processes in conflict-affected countries had been highly uneven. Secondly, enhanced efforts were required to ensure women's representation in democratic institutions in post-conflict contexts. Thirdly, she stressed the need to address sexual violence. She presented two suggestions to which she hoped the Council would give due consideration: to call for more holistic and concerted action by Member States and regional organizations to protect women and girls from gender-based violence; and to request more detailed reporting on the implementation of resolution 1325 (2000).⁷⁶

⁷⁴ Ibid., pp. 3-6.

⁷⁵ Ibid., pp. 6-7.

⁷⁶ Ibid., pp. 7-8.

The Coordinator of the NGO Working Group on Women, Peace and Security said was unfortunate that the implementation of resolution 1325 (2000) could not be said to be coherent and effective, but at the same time noted that the opportunity to discuss that assessment was nevertheless valuable. The integration of resolution 1325 (2000) into the Security Council's work had been inconsistent. Resolutions should contain gender-specific language and standard provisions for regular and adequate monitoring of and reporting on the implementation of the resolution by field missions.⁷⁷

Speakers welcomed the progress made since the adoption of resolution 1325 (2000), but acknowledged that much remained to be done to fulfil the objectives contained therein. They expressed deep concern that armed conflicts still persisted and civilians, particularly women and children, continued to account for the vast majority of victims of violence, in particular of sexual violence.

The representative of Portugal, speaking on behalf of the European Union, stated that the European Union was extremely concerned about recent reports on the "appalling and unprecedented phenomenon of systematic rape and brutality against women" in the eastern Democratic Republic of the Congo.⁷⁸ The representatives of Slovakia, France, Liechtenstein, Austria, the Republic of Korea and Croatia supported the idea of establishing a comprehensive and effective monitoring and reporting mechanism that would help the Council to identify the victims, patterns, scale and perpetrators of sexual violence in armed conflicts.⁷⁹ The representatives of Canada, Malawi and Bangladesh called for the creation of a Security Council mechanism to monitor the implementation of resolution 1325 (2000).⁸⁰

The representative of the Russian Federation maintained however that the Council's work should not duplicate the activities of other United Nations bodies, such as the Human Rights Council, the Committee on the Elimination of Discrimination against Women, the

⁷⁷ Ibid., pp. 9-10.

⁷⁸ Ibid., pp. 30-31.

⁷⁹ Ibid., pp. 10-11 (Slovakia); pp. 21-23 (France); S/PV.5766 (Resumption 1), pp. 7-8 (Liechtenstein); pp. 15-16 (Austria); pp. 20-21 (Republic of Korea); and pp. 24-25 (Croatia).

⁸⁰ S/PV.5766 (Resumption 1), pp. 17-18 (Canada); pp. 28-30 (Malawi); and pp. 35-36 (Bangladesh).

Peacebuilding Commission and the General Assembly. He stated that his delegation did not agree with the proposal to create a Council machinery for monitoring the implementation of the resolution, as that would duplicate efforts of other United Nations bodies.⁸¹ The representative of Colombia did not think it appropriate for the Council to set up a monitoring mechanism, because it would eventually result in the creation of a mechanism whereby the Council would single out countries on the basis of thematic issues that should, according to the Charter, be discussed and dealt with in the General Assembly.⁸² Similarly, the representative of Egypt doubted the merit of creating a mechanism that would be “scrutinizing” Member States.⁸³ The representative of China stated that the Council should work within its terms of competence, focusing on conflict prevention, peacekeeping and post-conflict reconstruction. He further stated that countries should be encouraged to formulate national action plans for the implementation of resolution 1325 (2000), with support from the United Nations.⁸⁴

The representative of Indonesia noted that in many conflicts women were marginalized in the political process.⁸⁵ The representative of Qatar called on the international community to provide generous support to countries in their efforts to align their national legal systems with international standards and to build their national capacity in the fight against gender-based crimes.⁸⁶ The representative of Myanmar categorically rejected the “unfounded allegations” made by the United Kingdom regarding sexual violence reportedly committed by the Burmese military. He claimed that the military had been falsely accused of gang rape based on reports of the expatriate Shan Women’s Action Network, the Shan Human Rights Foundation and the Kareni Human Rights Group, pointing out that the two latter entities had been identified in the 2002 country report of the United States State Department as organizations associated with the insurgency. He noted that separate investigations into those allegations had been carried out by the authorities and organizations concerned, including the Myanmar Women’s Affairs Federation,

and, in “genuine cases”, perpetrators were prosecuted in accordance with the law.⁸⁷

The representative of the Sudan stressed that, at the national level, the empowerment of women had been one of the country’s top priorities, as its traditions and values accorded women a particularly prominent position. He assured the Council that as the Sudan was preparing for the Darfur peace talks to be held in the Libyan Arab Jamahiriya in less than a week, the participation of women in the peace process would undoubtedly give dynamism and direction needed for the success of the talks.⁸⁸

The representatives of France and the United Kingdom regretted that some Council members had resisted the inclusion in the draft presidential statement of a request for the submission of a special report of the Secretary-General on gender violence within six months. The representative of the United Kingdom hoped that the reporting of other bodies would fill the resulting gap.⁸⁹ The representative of Italy asked whether the presidential statement to be adopted could really be seen, from the point of view of those who suffered on the ground, as a message of hope. There was no need for more messages and more information to stop their suffering.⁹⁰

At the end of the meeting, the President (Ghana) made a statement on behalf of the Council,⁹¹ by which the Council, *inter alia*:

Reaffirmed its commitment to the full and effective implementation of resolution 1325 (2000) on women and peace and security;

Recognized the importance of ensuring respect for the equal rights of women and, in this regard, reaffirmed the importance of the equal role of women in the prevention and resolution of conflicts and in peacebuilding, and stressed the need for their full and equal participation in peace processes at all levels;

Remained concerned about the low number of women appointed as Special Representatives or Special Envoys of the Secretary-General to peace missions; urged the Secretary-General to appoint, taking into account the principle of equitable geographical representation, more women to pursue good offices on his behalf;

⁸¹ S/PV.5766, pp. 14-15.

⁸² S/PV.5766 (Resumption 1), pp. 13-15.

⁸³ *Ibid.*, pp. 10-11.

⁸⁴ S/PV.5766, pp. 19-20.

⁸⁵ *Ibid.*, pp. 13-14.

⁸⁶ *Ibid.*, pp. 20-21.

⁸⁷ S/PV.5766 (Resumption 1), pp. 34-35.

⁸⁸ *Ibid.*, pp. 18-19.

⁸⁹ S/PV.5766, pp. 21-23 (France); and pp. 17-18 (United Kingdom).

⁹⁰ *Ibid.*, pp. 26-27.

⁹¹ S/PRST/2007/40.

Strongly condemned all violations of international law, including international humanitarian law, human rights law and refugee law, committed against women and girls in situations of

armed conflict, including killing, maiming, sexual violence, exploitation and abuse; urged the complete cessation by all parties of such acts with immediate effect.

44. Post-conflict national reconciliation: role of the United Nations

Initial proceedings

Decision of 26 January 2004 (4903rd meeting): statement by the President

At its 4903rd meeting, on 26 January 2004, the Security Council included in its agenda the item entitled “Post-conflict national reconciliation: role of the United Nations”. The Council was briefed by the Assistant Secretary-General for Political Affairs, the Administrator of the United Nations Development Programme and the Deputy Emergency Relief Coordinator. Statements were made by all Council members and the representatives of Afghanistan, Argentina, Bosnia and Herzegovina, Burundi, Cameroon, Costa Rica, Côte d’Ivoire, Croatia, Egypt, Guatemala, India, Ireland (on behalf of the European Union),¹ Japan, Liechtenstein, Mexico, Morocco, Nigeria, Peru, the Republic of Korea, Rwanda, Serbia and Montenegro, Sierra Leone and South Africa.

In her introductory remarks, the President (Chile) underlined that post-conflict national reconciliation, which lay at “the intersection of the ethical responsibility and the political responsibility of the international community”, should be systematically integrated in the United Nations in order to prevent the resurgence of conflicts. She highlighted the involvement of the United Nations in post-conflict situations and said that the questions which should be asked were what role the United Nations should have in processes of national reconciliation; whether the need for reconciliation could be incorporated into exit strategies for post-conflict situations; whether the United Nations should design strategies for reconciliation; and what should be the role of other principal United Nations organs.²

¹ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

² S/PV.4903, pp. 2-3.

In his briefing, the Assistant Secretary-General noted that, for reconciliation to last, it would require the settling of the past, an accounting of prior wrongs and an acceptance of responsibility for abuses. The achievement of those requirements would vary according to specific national circumstances. He observed that the pursuit of justice, accounting for past atrocities, restitution for victims and regeneration of severed bonds of trust and civility should not be overlooked when dealing with pressing matters of restoring stability and must be borne in mind when peace agreements were being negotiated. Such tensions between peace and justice were common in post-conflict societies and the international community should play a key role in helping war-shattered people to resolve those tensions. He further referred to a number of instruments such as tribunals, truth and reconciliation commissions, amnesties and return of displaced populations employed by the international community in addressing reconciliation in post-conflict situations and stated that those instruments needed to be “combined in a social process of catharsis” for them to be successful. Noting that the particular formula for any given country should be determined on the basis of appropriately facilitated national consultation, he stated that the international community could offer assistance, outline options and provide information about what other countries in similar circumstances had done. While amnesties could sometimes be seen as the price to be paid for peace agreements to succeed, he warned that the United Nations could not condone agreements arrived at through negotiations that violated the principles of the Charter.³

The Administrator of the United Nations Development Programme referred to the issue of building democracy as part of the political economy of reconciliation and cautioned that moving too quickly from an armed competition to a democratic one without addressing the underlying causes of conflict could drive the parties further apart. He emphasized that a dialogue that brought together different civil society groups with

³ Ibid., pp. 3-5.

the political leadership could supplement or in some cases temporarily be substituted for a more formal democratic process. It could also, critically, lay the groundwork for a later democratic exercise which would enjoy broader support. He added that reconciliation and peacebuilding was hard to achieve, unless citizens felt that their personal security was being met by effective policing of their streets and communities, and in this connection pointed to the United Nations costly but essential police training efforts. Comparing the situation to that of a heart attack victim, he challenged the Security Council to expand the focus of its activities beyond the “operating theatre”, bearing in mind that the real statistics of peacebuilding demonstrated that the most critical interventions were in the preventive and rehabilitation phases.⁴

In her briefing, the Deputy Emergency Relief Coordinator opined that post-conflict reconciliation should be nurtured in the immediate humanitarian response phase of a conflict. She was of the view that, while formal reconciliation processes were undeniably critical to sustainable peace, some of the most powerful forms of reconciliation, in terms of restoring the social fabric and regaining national unity, were to be found in everyday life. In critical situations, she said that a starting point must be to ensure that adequate levels of humanitarian assistance were available and noted that sadly it was in the “forgotten” emergencies that the risks were greatest. Pointing to the fact that the legitimacy of a faction’s engagement in peace processes should be based on its commitment to unhindered humanitarian access, she suggested that humanitarian assistance should be delivered in a way that did not perpetuate grievance or hamper longer-term societal and institutional development, the restoration of livelihoods and the strengthening of State legitimacy. She also raised the concern that longer- or medium-term tools of reconciliation such as education, health care and demobilization and disarmament were often underfunded and could perpetuate social divisions. In terms of the work of the Security Council, she noted that peace processes tended to ignore “the vast swath of communities that have been affected by the crisis and that have a stake in the future” and should also “be at the table”. She emphasized that the needs and concerns of women, and the reintegration of refugees and internally displaced persons and child soldiers should be brought into

⁴ Ibid., pp. 5-8.

humanitarian planning and post-conflict responses at the strategic level.⁵

A majority of the speakers shared the view that post-conflict reconciliation represented a long-term process which required sustained commitment and support of the United Nations and the international community, and further pointed to the broad expertise of the United Nations in the fields of disarmament, demobilization, reintegration and rehabilitation. Some speakers encouraged cooperation among the Security Council, the General Assembly and the Economic and Social Council in promoting a coherent approach in resolving complex crisis situations. Other speakers stressed that the United Nations should take the role of a neutral facilitator, create a favourable environment, and offer political advice and technical assistance in the areas of justice and truth-seeking.⁶ Some delegations also highlighted the importance of adequate financial and political support for the United Nations peacekeeping operations, as well as more robust mandates to monitor human rights violations and provide institutional support to the parties concerned.⁷ Most delegations also shared the view that a variety of approaches were applicable, depending on the country-specific context. The representatives of Germany and Pakistan noted that there was no “one-size-fits-all” solution to promoting post-conflict national reconciliation.⁸ Several speakers highlighted the importance of justice and the rule of law in post-conflict reconciliation,⁹ and cautioned that the premature holding of elections without the re-establishment of the rule of law, consideration of State institutions and stabilization of the post-conflict economy could prove to be ineffective and even counterproductive.¹⁰

A number of speakers pointed to the delicate balance between punishment and maintenance of peace and stability in a post-conflict environment and the fact

⁵ Ibid., pp. 8-12.

⁶ Ibid., p. 19 (Brazil); S/PV.4903 (Resumption 1), p. 18 (India); p. 22 (Morocco); p. 36 (Nigeria); and p. 37 (Côte d’Ivoire).

⁷ S/PV.4903, p. 15 (Algeria); p. 16 (Spain); p. 17 (France); p. 20 (Pakistan); and p. 32 (Romania).

⁸ Ibid., p. 13 (Germany); and p. 19 (Pakistan).

⁹ Ibid., p. 12 (Germany); p. 16 (Spain); p. 18 (Brazil); p. 23 (United Kingdom); S/PV.4903 (Resumption 1), p. 3 (Ireland); p. 26 (Burundi); p. 32 (Mexico); and p. 34 (Liechtenstein).

¹⁰ S/PV.4903, pp. 15-16 (Spain); and pp. 29-30 (Benin).

that, while impunity for serious human rights violations could not be tolerated and perpetrators had to be held accountable, the quest for justice should not become an obstacle to peace.¹¹

The representatives of Germany, Spain and France stressed the importance of the supportive role of the International Criminal Court in the achievement of justice, effective humanitarian standards and strengthening peace and security throughout the world.¹² Pointing to their specific national experiences, the representatives of Angola and Benin made reference to truth and reconciliation commissions, amnesties, collective apologies and financial reparations as a means to end conflicts and set in motion processes of national reconciliation.¹³

¹¹ Ibid., p. 16 (Spain); p. 17 (France); p. 19 (Brazil); pp. 19-20 (Pakistan); p. 21 (Russian Federation); p. 25-(Philippines); and p. 29 (China).

¹² Ibid., p. 13 (Germany); p. 16 (Spain); and p. 17 (France).

¹³ Ibid., p. 26 (Angola); and p. 30 (Benin).

At the end of the debate, the President made a statement on behalf of the Council,¹⁴ by which the Council, *inter alia*:

Reaffirmed the vital importance of the role of the United Nations in post-conflict national reconciliation;

Considered that it would be appropriate to examine further how to harness and direct the expertise and experience of the United Nations system, drawn up from several key areas, so that the lessons and experience of the past could be learned and built on;

Invited the Secretary-General to give consideration to the relevant views expressed in the debate in the preparation of his report on the role of the United Nations in justice and the rule of law;

Invited all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise, to contribute to the process.

¹⁴ S/PRST/2004/2.

45. Items relating to business and civil society

A. The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding

Initial proceedings

Deliberations of 15 April 2004 (4943rd meeting)

At its 4943rd meeting, on 15 April 2004, the Security Council heard briefings by the President of the World Bank, the President and Chief Executive Officer of Siemens, the President of the Economic and Social Council, and the Chairman of the Ad Hoc Advisory Group on African Countries Emerging from Conflict. Statements were made by the Secretary-General and by all Council members.

In his introductory statement, the Secretary-General recalled that the Council had set up expert panels to assess the role of political economy in triggering or prolonging conflict. It had authorized some peacekeeping missions to assist in the monitoring of economic sanctions and arms embargoes and to support efforts to re-establish national authority over natural resources. He elaborated on various efforts and initiatives undertaken to address the economic

dimensions of armed conflict and stressed that the time had come to translate those ad hoc efforts into a more systematic approach. In his view, such an approach would promote greater cooperation and interaction between the United Nations security and development arms and ensure that the economic dynamics of armed conflict were reflected in efforts to prevent conflict, in peace agreements and in peacekeeping mandates. The Secretary-General informed the Council that he had established an inter-agency group on the political economy of armed conflict, chaired by the Department of Political Affairs, which would be offering recommendations to both the United Nations system and Member States.¹

Recalling the efforts made by the World Bank in different regions, the President of the World Bank highlighted the positive role which could be played by business in conflict prevention and reconstruction. He noted that lack of economic opportunity and resulting competition for scarce resources was at the root of

¹ S/PV.4943, pp. 3-4.

most conflicts. Giving people hope through restoring business was the best way to avoid conflict.²

The President and Chief Executive Officer of Siemens underlined the crucial role which could be played by the private sector in post-conflict peacebuilding and reconstruction, as in the cases of Afghanistan and Iraq. He pointed to security, infrastructure, financing, post-conflict planning and visible progress as critically important factors for business participation in post-conflict situations.³

The President of the Economic and Social Council emphasized the primary responsibility of the private sector in building economic and social well-being. She also drew attention to the fact that the private sector sometimes contributed to instability and conflict, and stressed the need to create a favourable environment to attract private business into post-conflict areas to contribute to stabilizing social situations. In her view, the public sector itself must assume responsibility to help prevent and mitigate conflict. Acknowledging the collaborative efforts of the General Assembly, the Security Council and the Economic and Social Council, she stressed that much more could be done to develop a comprehensive and long-term perspective towards both sustainable development and conflict prevention.⁴

The Chairman of the Ad hoc Advisory Group on African Countries Emerging from Conflict noted the inescapable linkage between peace and economic development. Only when there was peace could the private sector make its contribution towards creating economic growth and prosperity. He further believed that the international community was the most important player in creating the political environment in which the private sector could do business.⁵

Most Council members concurred that it was timely and appropriate for the Council to discuss the role of business in conflict prevention, peacekeeping and post-conflict peacebuilding. They held that sustainable economic growth could be a key to conflict prevention and reconstruction, while at other times economic factors could contribute to the genesis of many violent conflicts. Some representatives noted that business activity, as important as it was, was not a

substitute for the essential role played by public authorities, which had the primary responsibility for providing incentives for economic activity and investment.⁶ Speakers agreed that, because many war-torn States were vulnerable to continued instability and poverty, the business sector must participate responsibly in post-conflict reconstruction. Some speakers said that business should actively participate in the disarmament, demobilization and reintegration process and post-conflict peacebuilding.⁷

Many speakers commended the Secretary-General's Global Compact Initiative, which set out principles to help businesses contribute to global sustainable development. They applauded its role in bringing together businesses, United Nations agencies and civil society groups in a common effort to promote corporate citizenship and increase corporate support for responsible practices, thus reducing the risk of crisis situations.⁸

Several Council members considered it was important to prevent the negative involvement of business actors in conflict situations, and to ensure that businesses operated appropriately and did not make matters worse.⁹ Several representatives stressed that it was essential that businesses did not participate in human rights abuses and refrained from any improper involvement in local political activities, thus making a direct contribution to preventing and overcoming conflicts.¹⁰ The representative of Chile expressed the need to develop codes of conduct and monitoring standards applicable to business activities.¹¹ The representatives of the United States and Pakistan believed that companies could provide leadership through setting examples of corporate citizenship such as adopting corporate codes of conduct or choosing to participate in voluntary international codes regarding corporate behaviour.¹² The representative of China

² Ibid., pp. 4-6.

³ Ibid., pp. 6-8.

⁴ Ibid., pp. 8-10.

⁵ Ibid., pp. 10-12.

⁶ Ibid., p. 6 (Chile); p. 20 (Angola); p. 26 (United Kingdom); and p. 28 (Brazil).

⁷ Ibid., p. 13 (China); p. 16 (Chile); p. 18 (France); and p. 20 (Angola).

⁸ Ibid., p. 12 (Algeria); p. 16 (Chile); p. 18 (France); p. 19 (United States); p. 20 (Angola); p. 23 (Pakistan); p. 24 (Russian Federation); p. 25 (United Kingdom); p. 28 (Brazil); and p. 29 (Germany).

⁹ Ibid., p. 13 (China); p. 16 (Chile); and p. 25 (United Kingdom).

¹⁰ Ibid., p. 15 (Romania); p. 19 (United States); p. 24 (Russian Federation); and p. 25 (United Kingdom).

¹¹ Ibid., p. 16.

¹² Ibid., p. 19 (United States); and p. 23 (Pakistan).

stated that private business should scrupulously abide by the relevant Security Council and General Assembly resolutions and other codes of conduct.¹³

Council members agreed on the need to build on the experience accumulated in managing economic factors as a source of conflict. The representatives of France and Benin expressed interest in the report of the inter-agency group established by the Secretary-General.¹⁴ The representative of Romania suggested that the Secretariat put together a report highlighting the significance of the broader regional and global dimensions of the political economy of contemporary intra-State conflict. A major part of that report could focus on the political economy of post-conflict transformation since it was at that stage that business involvement could take on a really strong positive connotation.¹⁵ The representative of Chile suggested that the report should focus on the complex interrelationships between the private sector and conflict and make recommendations on prevention and post-conflict reconstruction that could be taken up by the Security Council and the Economic and Social Council for implementation in future peace operations.¹⁶

Several speakers drew attention to the role of the United Nations in monitoring international business activity, illegal or legal. The representative of France said that it might be timely for the Council to systematize its approach for taking into account economic factors in conflict zones and crisis situations by the establishment of a mechanism using independent experts.¹⁷

The majority of the speakers welcomed the Kimberley Process Certification Scheme as a significant contribution to the maintenance of international peace and security.¹⁸ The representative of China appreciated its contribution to severing the link between the illegal trade in diamonds and armed conflicts.¹⁹

Noting that the need for private sector involvement was particularly acute in conflict zones in

Africa, several Council members commended the New Partnership for Africa's Development, which had acknowledged the importance of creating the conditions for investment and business, and stressed the importance of international support for that initiative, particularly in the form of private investment in economic development.²⁰

The representative of Algeria observed that, at the end of the emergency reconstruction phase of countries emerging from conflict, the international community was faced with a lack of any significant investment, which was the only thing that could lead to sustained and lasting growth.²¹

B. Role of civil society in post-conflict peacebuilding

Initial proceedings

Deliberations of 22 June 2004 (4993rd meeting)

At its 4993rd meeting, on 22 June 2004, the Security Council included in its agenda the item entitled "Role of civil society in post-conflict peacebuilding". The President (Philippines) drew attention to a letter dated 1 June 2004 from the representative of the Philippines, transmitting a background paper on the item.²² Statements were made by all members of the Council and the representatives of Australia, Bangladesh, Canada, Egypt, Ireland, Japan, Nepal, Peru, the Republic of Korea, Senegal, Sierra Leone and Uganda.²³

In his introductory statement, the Secretary-General noted that the growth of the partnership between the United Nations and civil society reflected the need for the latter to contribute to post-conflict decision-making in an era of globalization and State fragmentation. While welcoming the Council's efforts to strengthen its informal relations with civil society, he felt it was now necessary for the Council to deepen its dialogue and place its relationship with such groups on a more firm footing. He asked the Council to pay serious attention to the recommendations contained in

¹³ Ibid., p. 13.

¹⁴ Ibid., p. 18 (France); and p. 22 (Benin).

¹⁵ Ibid., p. 14.

¹⁶ Ibid., p. 17.

¹⁷ Ibid., p. 18.

¹⁸ Ibid., p. 12 (Algeria); p. 13 (China); p. 14 (Romania); p. 16 (Chile); p. 17 (France); p. 19 (United States); p. 20 (Angola); p. 23 (Pakistan); p. 25 (Russian Federation); p. 26 (United Kingdom); and p. 28 (Brazil).

¹⁹ Ibid., p. 13.

²⁰ Ibid., p. 12 (Algeria); p. 21 (Angola); p. 26 (Russian Federation, United Kingdom); and p. 29 (Brazil).

²¹ Ibid., p. 12.

²² S/2004/442.

²³ The representative of South Africa was invited to participate but did not make a statement.

the report of the Panel of Eminent Persons on United Nations-Civil Society Relations.²⁴ The Council, he added, should view inputs by civil society as a way to add quality and value to its decisions, rather than as attempts to usurp the role of governments.²⁵

The President of the Economic and Social Council stated that non-governmental organizations were significant actors in crisis and post-crisis situations, and their number and diverse mandates made it essential for United Nations agencies to coordinate with them to ensure the coherence and impact of their combined efforts. She said that, through its subsidiary bodies, including the Commission on the Status of Women, the Economic and Social Council had established close contacts with non-governmental organizations and other private entities to discuss topics that the intergovernmental bodies were addressing. Furthermore, the ad hoc advisory groups on Guinea-Bissau and Burundi had engaged civil society organizations in their efforts to consolidate peacebuilding in those countries.²⁶

The Secretary-General of CARE International noted that the central lesson of peacekeeping and conflict-resolution efforts was that many peace efforts faltered from the outbreak of local conflicts. To prevent such local conflicts from undermining national peace agreements, peacekeeping mandates needed to go beyond their traditional focus on the national level, to the heart of local communities. He urged the Council to demonstrate its leadership in the form of a strong presidential statement expressing its commitment to engage civil society representatives in all phases of peace processes.²⁷

The Vice-President of the International Center for Transnational Justice stressed the need for direct access of civil society to the Council, not only in New York but also whenever the Council went on a mission to post-conflict countries, and expressed his strong support for the recommendations by the Panel of Eminent Persons on United Nations-Civil Society Relations. He stressed that peacebuilding missions and agencies also needed to be more open to the advice and involvement of local civil societies.²⁸

Speakers, including Council members, agreed that most contemporary conflicts were complex in nature, requiring an integrated and coherent response, with civil society playing an increasingly important role. They shared the view that civil society not only had a role to play in providing humanitarian relief and advocating national reconciliation, but could also contribute towards identifying, understanding and addressing the root causes of conflict. While recognizing the critical role of civil society organizations, including local and global non-governmental organizations, at the national and local levels, several speakers also advocated their involvement at the regional level. Most speakers welcomed the report of the Panel of Eminent Persons, agreeing that improved collaboration with civil society was a necessity for the United Nations, and should be promoted to make peacebuilding activities more productive, sustainable and cost-effective.

Several speakers stressed that the main responsibility for conflict reconstruction, however, should be borne by the United Nations and other international and regional organizations, and the Governments concerned. Civil society organizations, for their part, should support the central role of the United Nations and enhance coordination and cooperation with its various agencies. The representative of China stated that civil society organizations should be guided by the principles of the Charter of the United Nations, as was expected from Governments.²⁹ The representative of Egypt emphasized that what was required in future were norms, rules and mechanisms that would set limits and determine the responsibilities of all partners.³⁰

Several speakers shared the view that in order to preserve the strength of its contributions, it was important to respect civil society's independence from Government, while respecting the principle of sovereignty of States and non-interference in domestic affairs. The representative of the United States observed that civil society organizations could only flourish in societies where good governance and the rule of law were applied; where civil institutions were strong and civil and political rights were recognized; and where participation in the electoral process was

²⁴ See A/58/817 and Corr.1.

²⁵ S/PV.4993, pp. 3-4.

²⁶ *Ibid.*, pp. 4-5.

²⁷ *Ibid.*, pp. 5-7.

²⁸ *Ibid.*, pp. 7-9.

²⁹ *Ibid.*, p. 23.

³⁰ S/PV.4993 (Resumption 1), p. 4.

guaranteed, and where human rights and freedom of expression were accepted.³¹

Several speakers focused on how to empower civil society to become an even more active partner in peacebuilding, and generally agreed on the need to strengthen communication, in particular through consolidating the dialogue between the Council and civil society, with a view to establishing a two-way flow of information. Several speakers supported the recommendations of the Panel on making better use of Arria-formula meetings and field visits.³² Several speakers also emphasized the need to strengthen the capacity of, and assistance to, civil society organizations so as to make those actors real and effective partners.

While speakers generally agreed on the role of the Security Council in strengthening cooperation between civil society and the United Nations, the representative of Bangladesh emphasized that the Economic and Social Council should be the lead institution in involving civil society organizations in post-conflict peacebuilding policy recommendations, by engaging non-governmental organizations effectively through its consultative mechanisms, its subsidiary commissions and its ad hoc advisory groups on post-conflict countries.³³ The representative of Nepal expressed the hope that the Council would work coherently with other United Nations organs and agencies, such as the Economic and Social Council, which had mandates and competence in the domain of development, and not usurp their roles.³⁴

C. The role of civil society in conflict prevention and the pacific settlement of disputes

Initial proceedings

Decision of 20 September 2005 (5264th meeting): statement by the President

At its 5264th meeting, on 20 September 2005, the Security Council included in its agenda the item entitled

“The role of civil society in conflict prevention and the pacific settlement of disputes”. The President (Philippines) drew attention to a letter dated 7 September 2005 from the representative of the Philippines, transmitting a concept paper to guide the discussion.³⁵

The Assistant Secretary-General for Political Affairs made a statement on behalf of the Secretary-General. The Council then heard briefings by the Executive Director of the European Centre for Conflict Prevention; the Chair of the Columbia University Seminar on Conflict Resolution and Faculty Coordinator of the Columbia University Conflict Resolution Network; and the founder and Executive Director of the African Centre for the Constructive Resolution of Disputes. Statements were made by all Council members and the representatives of Canada, Peru, Slovakia and Switzerland.³⁶

The Assistant Secretary-General for Political Affairs read out a statement by the Secretary-General emphasizing the important role of civil society in conflict prevention. He noted that both the United Nations and regional organizations had to do more to tap into civil society’s comparative advantages, namely a strong local presence and experience on the ground. He pointed out that civil society had the capability to identify new threats and concerns faster than the United Nations system could and the fact that they were indispensable in “track-two” and “people-to-people” diplomacy, which was often integral to successful post-conflict political and reconciliation processes. Civil society organizations could also reach parties on the ground that Governments could not reach, as well as complement the work of the United Nations by offering valuable analyses originating from the field. For those reasons, he further stated, civil society organizations would have an important role to play in the deliberations concerning the establishment of the Peacebuilding Commission. He urged Governments, international financial institutions, regional organizations and civil society to work

³¹ S/PV.4993, p. 17.

³² Ibid., p. 11 (France); p. 13 (United Kingdom); p. 23 (China); p. 24 (Brazil); p. 28 (Germany); S/PV. 4993 (Resumption 1), p. 8 (Peru); and p. 15 (Canada).

³³ S/PV.4993 (Resumption 1), p. 11.

³⁴ Ibid., p. 17.

³⁵ S/2005/594.

³⁶ Denmark, Peru, Slovakia and Switzerland were represented by their respective Ministers for Foreign Affairs. Romania was represented by the State Secretary for Global Affairs. The United Republic of Tanzania was represented by the Deputy Minister for Foreign Affairs and International Cooperation. The representative of the United Kingdom spoke on behalf of the European Union.

together as partners to improve the effectiveness of conflict prevention and peacebuilding strategies.³⁷

The Executive Director of the European Centre for Conflict Prevention highlighted the necessity of a partnership between the United Nations and civil society. He called for a fundamental change in dealing with conflict and to shift resources from “reaction to prevention”. He made several proposals aimed at producing a coherent and integrated approach on conflict prevention involving input from regional organizations and civil society.³⁸

The Chair of the Columbia University Seminar on Conflict Resolution and Faculty Coordinator of the Columbia University Conflict Resolution Network presented the perspective of academic centres as part of civil society’s contribution to conflict prevention and the pacific settlement of disputes. He highlighted the roles played by academic institutions in conflict prevention and added that it was a contribution involving understanding and experimentation. He also stated that universities had frequently used their autonomy to foster a human search beyond the constraints of institutionalized politics and hoped that the Security Council would continue to keep its openness to academic learning.³⁹

The founder and Executive Director of the African Centre for the Constructive Resolution of Disputes touched on a number of issues about civil society and reiterated the importance of partnership between States, civil society and the private sector in conflict resolution and prevention. He expressed the view that civil society should remain outside the formal structures of the United Nations since its strength, legitimacy and flexibility were derived from its independence.⁴⁰

Council members stressed that the essential responsibility for conflict prevention rested with national Governments, but agreed on the important role of civil society in support of conflict prevention and the pacific settlement of disputes, in line with Chapter VI of the Charter. They urged the United Nations and the international community to support national efforts for conflict prevention and assist in building national capacity in this field. Speakers noted that a well

functioning civil society had the advantage of specialized knowledge, capabilities, experience, links with key constituencies, influence among local actors and resources. Council members also underlined the role that these actors could play in providing a bridge to dialogue and other confidence-building measures between parties in conflict.

Several speakers expressed views on how the Council could better engage civil society in resolving conflicts and cited the newly established Peacebuilding Commission as a valuable tool for interaction with civil society.⁴¹ Some delegations underlined their support for the report of the Panel of Eminent Persons on United Nations-Civil Society Relations,²⁴ and believed it was a means to better integrate civil society into the overall work of the United Nations.⁴²

Several speakers supported the Arria-formula meeting as a suitable mechanism for consulting civil society since it provided the Council with independent information concerning situations that could potentially destabilize a country.⁴³ The representative of the United Republic of Tanzania argued that Arria-formula relationships would enable the Council to make “more and better informed decisions”,⁴⁴ while the representative of Argentina maintained that frequent use of the formula would undoubtedly “strengthen the Council’s preventive role”.⁴⁵

Delegations also raised the issue of the involvement or non-involvement of civil society in conflict resolution and prevention. According to the representative of Greece the capacity of civil society and particularly that of local actors was relatively weak and therefore closer and better coordination and cooperation with the United Nations and with regional and subregional organizations was necessary.⁴⁶ The representative of Peru stated that when its voice was silenced, civil society could end up caught in the

³⁷ S/PV.5264, pp. 2-3.

³⁸ *Ibid.*, pp. 3-4.

³⁹ *Ibid.*, pp. 3-6.

⁴⁰ *Ibid.*, pp. 6-7.

⁴¹ *Ibid.*, pp. 7-8 (Denmark); p. 14 (Peru); p. 15 (Switzerland); p. 17 (United Kingdom); p. 19 (Brazil); and pp. 20-21 (Argentina).

⁴² *Ibid.*, p. 16 (United Kingdom); p. 19 (Brazil); p. 20 (Argentina); p. 22 (Japan); and p. 25 (Algeria).

⁴³ *Ibid.*, p. 11 (Greece); p. 12 (United Republic of Tanzania); p. 17 (United Kingdom); p. 19 (Benin); p. 22 (Japan); p. 24 (France); p. 25 (Algeria); and p. 29 (Canada).

⁴⁴ *Ibid.*, p. 12.

⁴⁵ *Ibid.*, p. 21.

⁴⁶ *Ibid.*, p. 11.

“problem of confrontation and polarization” that generated violence, while the social fabric that it represented and in which it functioned was torn apart.⁴⁷ Similarly, the representative of France highlighted the danger of civil society becoming the “vector of violent, criminal action”.⁴⁸ The representative of the United States urged the United Nations to support countries seeking self-government by encouraging the development of free institutions.⁴⁹

At the end of the debate, the President made a statement on behalf of the Council,⁵⁰ by which the Council, *inter alia*:

Underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes;

Reaffirmed the need for this strategy to be based on engagement with Governments, regional and subregional organizations as well as civil society organizations;

Underlined the potential contributions of a vibrant and diverse civil society in conflict prevention, as well as in the peaceful settlement of disputes; and noted that a well-functioning civil society has the advantage of specialized knowledge, capabilities, experience, links with key constituencies, influence and resources, which could assist parties in conflict to achieve peaceful solution to disputes;

Noted that a vigorous and inclusive civil society could provide community leadership, help to shape public opinion, and facilitate as well as contribute to reconciliation between conflicting communities;

[Stated that it] would strengthen its relationship with civil society, including, as appropriate, through, *inter alia*, the use of “Arria-formula” meetings and meetings with local civil society organizations during Council missions.

⁴⁷ *Ibid.*, p. 14.

⁴⁸ *Ibid.*, p. 24.

⁴⁹ *Ibid.*, p. 26.

⁵⁰ S/PRST/2005/42.

46. Items relating to non-proliferation

A. Non-proliferation of weapons of mass destruction

Initial proceedings

Decision of 28 April 2004 (4956th meeting): resolution 1540 (2004)

At the 4950th meeting, on 22 April 2004,¹ statements were made by all members of the Security Council and the representatives of Albania, Argentina, Australia, Austria, Belarus, Canada, Cuba, Egypt, India, Indonesia, the Islamic Republic of Iran, Ireland (on behalf of the European Union),² Israel, Japan, Jordan, Kazakhstan, Kuwait, Liechtenstein, Lebanon,

Malaysia (on behalf of the Non-Aligned Movement), Mexico, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Peru, the Republic of Korea, Singapore, South Africa, Sweden, Switzerland, the Syrian Arab Republic, Tajikistan and Thailand.

The majority of speakers acknowledged that the acquisition of weapons of mass destruction by non-State actors posed a serious threat to international peace and security and pointed out that the non-proliferation regimes did not address the issue of how to prevent access by non-State actors to such weapons. Speakers discussed a draft resolution before the Council that would, *inter alia*, require States to take effective measures and establish domestic controls to prevent the proliferation of weapons and their means of delivery, as well as prevent States from assisting non-State groups in acquiring weapons of mass destruction. A number of representatives questioned the necessity of adopting the draft resolution under Chapter VII of the Charter, raising issues related to the binding nature of Council action.³ The representative of Brazil, among others, argued that as Article 25 made all Council resolutions binding, the use of Chapter VII

¹ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; chap. XI, part IV, sect. B, with regard to Article 42; chap. XII, part II, sect. A, case 13, with regard to Article 24; and chap. XII, part II, sect. B, case 18, with regard to Article 25.

² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

³ S/PV.4950, p. 4 (Brazil); p. 5 (Algeria); p. 15 (Pakistan); S/PV.4950 (Resumption 1), p. 4 (Malaysia, on behalf of the Non-Aligned Movement); and p. 14 (Nepal).

was unnecessary.⁴ The representative of Egypt noted the danger of using Chapter VII with respect to problems that were beyond the control of Member States.⁵ Others stressed that Chapter VII would underline the serious and binding nature of the resolution.⁶ A number of delegations also discussed the Council's right to assume the role of prescribing legislative action and the Council's legislative authority, some arguing that the Council was going beyond its mandate⁷ and others stressing that, as a clear threat to international peace and security, the proliferation of weapons of mass destruction fell squarely within the Council's mandate.⁸

A number of representatives said that the draft resolution, if adopted, should not undermine existing multilateral treaties on weapons of mass destruction,⁹ while other speakers believed that no such conflict would arise.¹⁰ A number of speakers suggested including more references to disarmament in the text of the draft resolution;¹¹ others indicated that such references could dilute the text's objective.¹²

The representative of the Philippines, echoed by the representatives of Brazil and Egypt, asked for details regarding the mandate of the committee to be established to monitor the implementation of the draft

resolution.¹³ The representative of Pakistan declared that the creation of a Council committee was unnecessary and stressed that it could be utilized in the future to replace the role of existing treaty regimes and to "harass countries".¹⁴ In contrast, other speakers believed that the committee should be given a two-year mandate¹⁵ or sufficient time to carry out its objectives.¹⁶

Several representatives opined that a number of concepts contained in the draft resolution were not sufficiently precise and asked for clarifications on the definition of terms such as "means of delivery" and "related materials".¹⁷ The representative of the Islamic Republic of Iran said that the draft resolution contained certain concepts and definitions that were either inadequately elaborated or inconsistent with the terms and definitions embodied in existing international instruments on nuclear, biological and chemical weapons. He gave as an example the fact that the definition for "means of delivery" failed to refer to fighters capable of delivering such weapons.¹⁸

At the 4956th meeting, on 28 April 2004, statements were made by most members of the Council.¹⁹ The President (Germany) drew the attention of the Council to a letter dated 27 April 2004 from the representative of India,²⁰ conveying his Government's support for the draft resolution under consideration and its commitment to preventing the proliferation of weapons of mass destruction, as well as its determination not to accept externally prescribed norms against its national interests or sovereignty on matters within the jurisdiction of its parliament.

While a number of representatives welcomed the improvements over the initial draft of the resolution,²¹

⁴ S/PV.4950, p. 4 (Brazil); p. 5 (Algeria); p. 11 (Jordan); and S/PV.4950 (Resumption 1), p. 4 (Malaysia).

⁵ S/PV.4950 (Resumption 1), p. 3.

⁶ S/PV.4950, p. 7 (Spain); pp. 8-9 (France); p. 11 (Chile); p. 12 (United Kingdom); p. 17 (United States); and p. 21 (New Zealand).

⁷ *Ibid.*, p. 5 (Algeria); p. 23 (India); p. 32 (Islamic Republic of Iran); S/PV.4950 (Resumption 1), p. 14 (Nepal); and p. 15 (Nigeria).

⁸ S/PV.4950, p. 9 (Angola); S/PV.4950 (Resumption 1), p. 7 (Australia).

⁹ S/PV.4950, p. 18 (Germany); S/PV.4950 (Resumption 1), p. 6 (Belarus, Norway); p. 12 (Liechtenstein); and p. 15 (Tajikistan).

¹⁰ S/PV.4950, p. 3 (Philippines); p. 10 (Chile); pp. 11-12 (United Kingdom); p. 14 (Romania); p. 16 (Russian Federation); p. 17 (United States); and p. 26 (Ireland); S/PV.4950 (Resumption 1), p. 7 (Australia); and p. 16 (Albania).

¹¹ S/PV.4950, p. 18 (Germany); p. 22 (South Africa); p. 31 (Indonesia); and p. 32 (Islamic Republic of Iran); S/PV.4950 (Resumption 1), p. 4 (Malaysia); pp. 6-7 (Norway); p. 8 (Kazakhstan); p. 10 (Austria); p. 11 (Jordan, Lebanon); p. 12 (Liechtenstein); p. 14 (Nigeria); and p. 18 (Thailand).

¹² S/PV.4950, p. 7 (Spain); and p. 11 (United Kingdom).

¹³ *Ibid.*, p. 3 (Philippines); and p. 4 (Brazil); S/PV.4950 (Resumption 1), p. 2 (Egypt).

¹⁴ S/PV.4950, p. 15.

¹⁵ *Ibid.*, p. 12 (United Kingdom); p. 19 (Germany); and p. 27 (Ireland).

¹⁶ *Ibid.*, pp. 19-20 (Canada); S/PV.4950 (Resumption 1), p. 6 (Norway); and p. 18 (Thailand).

¹⁷ S/PV.4950, p. 28 (Switzerland); p. 33 (Islamic Republic of Iran); and p. 34 (Syrian Arab Republic); S/PV.4950 (Resumption 1), p. 4 (Malaysia); p. 11 (Lebanon); and p. 14 (Nepal).

¹⁸ S/PV.4950, p. 33.

¹⁹ The representatives of Angola and Benin did not make statements.

²⁰ S/2004/329.

²¹ S/PV.4956, p. 2 (France); p. 3 (Pakistan); p. 7 (Algeria, United Kingdom); and p. 10 (Germany).

some speakers indicated their preference for a stronger reference to disarmament in the revised text.²² The representative of Germany expressed regret that it had not been possible to introduce explicit language on the importance of verification, security assurances and regional security arrangements, and on the leading role the Council had to play in the context of the resolution.²³

The representative of Brazil reiterated his belief that there was no need to put the whole resolution under Chapter VII of the Charter.²⁴ The representative of Pakistan explained his delegation's favourable vote by pointing to the fact that the legally binding obligations adopted under Chapter VII of the Charter offered reassurance that the provisions of the resolution would not serve to impose non-proliferation obligations on States or to transfer the general responsibility for global non-proliferation and disarmament to the Council.²⁵

The draft resolution²⁶ was put to the vote and adopted unanimously as resolution 1540 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that all States should refrain from providing any form of support to non-State actors that attempted to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

Decided also that all States, in accordance with their national procedures, should adopt and enforce appropriate effective laws;

Decided further that all States should take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery;

Decided to establish, for a period of no longer than two years, a Committee of the Security Council which would report to the Council for its examination, on the implementation of the resolution;

Decided that none of the obligations set forth in the resolution should be interpreted so as to conflict with or alter the rights and obligations of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention.

²² *Ibid.*, p. 7 (Chile, Algeria).

²³ *Ibid.*, p. 10.

²⁴ *Ibid.*, p. 9.

²⁵ *Ibid.*, pp. 3-4.

²⁶ S/2004/326.

Decision of 27 April 2006 (5429th meeting): resolution 1673 (2006)

At its 5097th meeting, on 9 December 2004, the Council included in its agenda a letter dated 8 December 2004 from the Chairman of the Committee established pursuant to resolution 1540 (2004) addressed to the President of the Council,²⁷ transmitting the Committee's first report on activities undertaken with respect to the non-proliferation of nuclear, chemical and biological weapons, and a list of States that had submitted their national reports as at 7 December 2004. During the meeting, statements were made by most members of the Council.²⁸

In his briefing, the Chairman of the Committee declared that cooperation with international organizations such as the International Atomic Energy Agency (IAEA) was foreseen as the Committee might require future technical assistance. He also announced that the Committee planned to recruit experts from the Asian and African regional groups to help in its evaluation of reports submitted by States.²⁹

A number of speakers appealed to the States that had not yet submitted national reports to submit them as soon as possible.³⁰ Several representatives agreed on the need for the Committee to work in close cooperation with organizations with expertise in non-proliferation.³¹

Several speakers mentioned the importance of transparency in the work of the Committee.³² The representative of Pakistan pointed out that the Committee's work was made difficult by, *inter alia*, the lack of agreed international standards in areas in which the Committee would be examining the actions to be taken by States and its limited expertise. He further stressed that the Committee would have to ensure that it did not infringe upon, or duplicate, the work of

²⁷ S/2004/958.

²⁸ The representative of Romania did not make a statement.

²⁹ S/PV.5097, pp. 2-4.

³⁰ *Ibid.*, p. 4 (France, Russian Federation); p. 5 (United States); p. 7 (Brazil); pp. 7-8 (Spain); and pp. 11-12 (United Kingdom).

³¹ *Ibid.*, pp. 4-5 (Russian Federation); p. 8 (Spain); p. 11 (Germany); and p. 12 (United Kingdom).

³² *Ibid.*, p. 4 (France); p. 5 (Philippines); p. 8 (Spain); p. 10 (China); and p. 11 (Germany).

established treaty regimes or seek to enlarge its scope beyond its mandate.³³

At its 5429th meeting, on 27 April 2006, the Council included in its agenda a letter dated 25 April 2006 from the Chairman of the Committee established pursuant to resolution 1540 (2004),³⁴ transmitting the Committee's report with recommendations designed to enable the Council's monitoring of the implementation of resolution 1540 (2004), and enable States to continue fulfilling the requirements set by the resolution.

The President (China) drew the attention of the Council to a draft resolution;³⁵ it was put to vote and adopted unanimously and without debate as resolution 1673 (2006), by which the Council, *inter alia*:

Decided to extend the mandate of the Committee established pursuant to resolution 1540 (2004) for a period of two years, with the continued assistance of experts, until 27 April 2008;

Decided that the Committee should intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through a work programme which should include the compilation of information on the status of the implementation by States of all aspects of resolution 1540 (2004);

Decided that the Committee would submit to the Security Council a report no later than 27 April 2008 on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements.

Decision of 23 February 2007 (5635th meeting): statement by the President

At its 5635th meeting, on 23 February 2007, the Council included in its agenda the question of the implementation of resolutions 1540 (2004) and 1673 (2006), and a letter dated 12 February 2007 from the representative of Slovakia addressed to the Secretary-General,³⁶ transmitting a concept paper in preparation of the scheduled open debate on cooperation between the Council and international organizations in the implementation of the aforementioned resolutions. During the meeting, statements were made by all Council members and the representatives of Argentina, Australia, Bangladesh, Belarus (on behalf of the

Collective Security Treaty Organization),³⁷ Brazil, Cuba, El Salvador, Germany (on behalf of the European Union),³⁸ Guatemala, the Islamic Republic of Iran, Israel, Japan, New Zealand (on behalf of the Pacific Islands Forum),³⁹ Norway, Pakistan, the Republic of Korea, Uruguay and Viet Nam. The Under-Secretary-General for Disarmament Affairs, the Director-General of the Organization for the Prohibition of Chemical Weapons, the Representative of the Director General of the International Atomic Energy Agency to the United Nations, and the Director of Compliance and Facilitation of the World Customs Organization briefed the Council about the work of their respective organizations in the area of non-proliferation.

The majority of the representatives underlined the need for international cooperation in the implementation of the resolutions and expressed support for enhanced coordination within multilateral regimes. A number of speakers noted that States required assistance for carrying out their obligations under the resolutions,⁴⁰ while other speakers believed that the Committee should consider national priorities when evaluating the capacity of States to meet the requirements specified in the resolutions.⁴¹

The representative of South Africa said that since the adoption of resolution 1540 (2004) no credible efforts had been made to close the gap in the international regimes.⁴² The representative of France observed that resolution 1540 (2004) had not established any norms regarding export controls but merely requested States to implement them. In his

³³ *Ibid.*, pp. 6-7.

³⁴ S/2006/257 and Corr.1.

³⁵ S/2006/263.

³⁶ S/2007/84.

³⁷ Armenia, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan aligned themselves with the statement.

³⁸ Albania, Bosnia and Herzegovina, Croatia, Iceland, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

³⁹ Australia, Fiji, the Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu aligned themselves with the statement.

⁴⁰ S/PV.5635, p. 11 (Qatar); p. 20 (Peru); p. 21 (Ghana); and p. 24 (Panama); S/PV.5635 (Resumption 1), p. 2 (Norway).

⁴¹ S/PV.5635, p. 16 (South Africa); and p. 23 (Indonesia); S/PV.5635 (Resumption 1), p. 16 (New Zealand).

⁴² S/PV.5635, pp. 15-16.

view, the urgency of the issue demanded that the existing gaps in legislation be addressed.⁴³

The representatives of the Congo and Panama called for attention to the threat posed by the proliferation of small arms and light weapons.⁴⁴ The representative of Israel believed that resolution 1540 (2004) could also apply to conventional arms, as in the case of transfer of rockets to non-State actors.⁴⁵

The President (Slovakia) made a statement on behalf of the Council,⁴⁶ by which the Council, *inter alia*:

Affirmed its determination to promote increased multilateral cooperation, as an important means of enhancing implementation by States of resolution 1540 (2004);

Acknowledged with appreciation the activities of international organizations with expertise in the field of non-proliferation of nuclear, chemical and biological weapons and their means of delivery covered by resolution 1540 (2004), especially in providing assistance in the implementation of that resolution, without altering their mandates and responsibilities;

Reiterated its determination to enhance its cooperation with international organizations and to develop preferred mechanisms for cooperating with those organizations on a case-by-case basis.

B. Non-proliferation

Initial proceedings

Decision of 29 March 2006 (5403rd meeting): statement by the President

At its 5403rd meeting, on 29 March 2006, the Security Council included in its agenda the item entitled “Non-proliferation”. The President (Argentina) made a statement on behalf of the Council,⁴⁷ by which the Council, *inter alia*:

Reaffirmed its commitment to the Treaty on the Non-proliferation of Nuclear Weapons and recalled the right of States parties, in conformity with articles I and II of the Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination;

Noted with serious concern the many reports and resolutions of IAEA relating to the Islamic Republic of Iran’s

nuclear programme reported to it by the IAEA Director General, including resolution GOV/2006/14 adopted on 4 February 2006 by the Board of Governors of IAEA;

Called upon the Islamic Republic of Iran to take the steps required by the Board of Governors;

Strongly supported the role of the Board of Governors and commended and encouraged the Director General and the secretariat of IAEA for their ongoing professional and impartial efforts to resolve outstanding issues in the Islamic Republic of Iran, and underline the necessity of IAEA continuing its work to clarify all outstanding issues relating to the Islamic Republic of Iran’s nuclear programme.

Decision of 31 July 2006 (5500th meeting): resolution 1696 (2006)

At the 5500th meeting, on 31 July 2006,⁴⁸ statements were made by the representatives of Argentina, China, France, the Islamic Republic of Iran, Japan, Qatar, the Russian Federation, the United Kingdom, the United Republic of Tanzania and the United States. The President (France) drew the attention of the Council to a draft resolution submitted by France, Germany and the United Kingdom.⁴⁹ He also drew attention to two letters from the representative of France dated 13 July and 25 July 2006, respectively.⁵⁰ The letter dated 13 July 2006 transmitted the proposals of China, France, Germany, the United Kingdom, the United States and the Russian Federation, with the support of the High Representative of the European Union, for a comprehensive long-term arrangement that would allow for cooperation with the Islamic Republic of Iran based on the establishment of international confidence in the “exclusively peaceful” nature of its nuclear programme. In order to create the right conditions for a fresh start in the negotiations, the Council, *inter alia*, would agree to suspend discussion of the Islamic Republic of Iran’s nuclear programme in the Security Council and support the building of new light water reactors in the Islamic Republic of Iran through international joint projects, if the Islamic Republic of Iran would, *inter alia*, commit itself to addressing all

⁴³ *Ibid.*, pp. 17-18.

⁴⁴ *Ibid.*, pp. 14-15 (Congo); and p. 25 (Panama).

⁴⁵ S/PV.5635 (Resumption 1), p. 3.

⁴⁶ S/PRST/2007/4.

⁴⁷ S/PRST/2006/15.

⁴⁸ For more information on the discussion at this meeting, see chap. XI, part I, sect. B; part II, sect. B; and part III, sect. B, with regard to Articles 39, 40 and 41 of the Charter; chap. XII, part I, sect. B, with regard to Article 2 (4); and chap. XII, part II, sect. B, case 19, with regard to Article 25.

⁴⁹ S/2006/589.

⁵⁰ S/2006/521 and S/2006/573.

the outstanding concerns of IAEA and suspend all enrichment-related and reprocessing activities. The letter dated 26 July 2006 transmitted a statement on behalf of the Ministers for Foreign Affairs of China, France, Germany, the Russian Federation, the United Kingdom and the United States, and the High Representative of the European Union, which noted that the Islamic Republic of Iran had given no indication at all that it was “ready to engage seriously on the substance” of the proposals and had failed to take the steps needed to allow negotiations to begin, specifically the suspension of all enrichment-related and reprocessing activities. The authors of the statement had agreed to seek a Council resolution to make the IAEA-required suspension mandatory, and if the Islamic Republic of Iran did not comply they would work for the adoption of measures under Chapter VII, Article 41, of the Charter.

The President also drew attention to a letter dated 8 March 2006 and a note by the President of the Security Council dated 28 April 2006,⁵¹ transmitting the reports of the Director General of IAEA on the implementation of the Safeguards Agreement in the Islamic Republic of Iran, which discussed the uncertainties regarding the source of enrichment-related equipment in the nuclear energy programme of the Islamic Republic of Iran and the consequent inability of IAEA to make a conclusion about the scope, content and intent of the programme.

The President then put the draft resolution to the vote; it received 14 votes in favour and 1 against (Qatar), and was adopted as resolution 1696 (2006), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Called upon the Islamic Republic of Iran without further delay to take the steps required by IAEA Board of Governors in its resolution GOV/2006/14;

Demanded, in this context, that the Islamic Republic of Iran suspend all enrichment-related and reprocessing activities, including research and development, to be verified by IAEA;

Called upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent the transfer of any items, materials, goods and technology that could contribute to the Islamic Republic of Iran’s enrichment-related and reprocessing activities and ballistic missile programmes;

Expressed its determination to reinforce the authority of the IAEA process and strongly supported the role of the Board of Governors;

Requested, by 31 August 2006, a report from the Director General primarily on whether the Islamic Republic of Iran had established full and sustained suspension of all activities mentioned in the resolution, as well as on the process of Iranian compliance with all the steps required by the Board of Governors and with the above provisions of the resolution, to the Board and, in parallel, to the Council for its consideration;

Expressed its intention, in the event that the Islamic Republic of Iran had not by that date complied with the resolution, then to adopt appropriate measures under Article 41 of Chapter VII of the Charter to persuade the Islamic Republic of Iran to comply with the resolution and the requirements of IAEA, and underlined that further decisions would be required should such additional measures be necessary;

Confirmed that such additional measures would not be necessary in the event that the Islamic Republic of Iran complied with the resolution;

Decided to remain seized of the matter.

After the vote, the representative of Qatar, while stressing that the demands of the Council were legitimate, maintained that the Council should have waited a few more days to exhaust all possible ways and means to determine the real intentions and willingness of the Islamic Republic of Iran to cooperate, especially since it had asked for time to consider the package that had been offered to it. He further stated that the resolution would only intensify the situation in the Middle East.⁵²

The representative of the United States stated that nearly two months had passed since the European Union plus three countries⁵³ had made their offer and invited the Islamic Republic of Iran to enter into negotiations to avoid further action by the Council. He stated that the Islamic Republic of Iran had remained non-compliant with the Non-Proliferation Treaty and the IAEA Safeguards Agreement for the preceding three years. He argued that the continued pursuit of nuclear weapons by the Islamic Republic of Iran constituted a direct threat to international peace and security and demanded a binding resolution from the Council. He commented that the resolution just adopted called upon Member States to prevent the transfer of resources to the Islamic Republic of Iran’s

⁵¹ S/2006/150 and S/2006/270.

⁵² S/PV.5500, p. 3.

⁵³ The European Union, the United States, the Russian Federation and China.

nuclear and missile programmes, and that his country and other Member States would ensure that the financial transactions associated with such proliferation activities would be subject to scrutiny. While expressing the hope that the Islamic Republic of Iran would renounce the pursuit of programmes of weapons of mass destruction, he stressed the expressed intention of the United States and other Member States to adopt measures under Article 41 in the event that the Islamic Republic of Iran did not comply with resolution 1696 (2006).⁵⁴

The representative of the United Kingdom commented that the “history of concealment” of nuclear activities of the Islamic Republic of Iran raised questions about whether they were solely for civilian purposes. He felt that, given the concern about its ambitions, the Islamic Republic of Iran could not be allowed to continue its enrichment-related and reprocessing activities, including research, that would allow it to develop the capabilities to produce fissile material suitable for use in nuclear weapons, but he stressed that suspension would not hinder the development of a modern, civil nuclear power industry.⁵⁵

The representative of the Russian Federation however viewed the suspension of enrichment activities as merely an interim measure during the period necessary to resolve the issue and restore trust in the Islamic Republic of Iran’s nuclear programme. While noting that the resolution made the IAEA demand for suspension of enrichment activities mandatory under Article 40 of the Charter, he emphasized that any additional measures to implement the resolution should rule out the use of military force.⁵⁶

The representative of China stated that the purpose of the Council reviewing the issue was to safeguard the international nuclear non-proliferation mechanism and strengthen the role of IAEA among other objectives. He regretted that the Islamic Republic of Iran had failed to respond to the requests of the IAEA Board of Governors and the calls of the Council, but felt that the delay in finding an appropriate solution to the issue was due to lack of trust among the main parties involved. He said that the Council could not

handle this issue “single-handedly” and that IAEA needed to always be the main mechanism for dealing with the issue. He reminded the Islamic Republic of Iran that Article 25 obliged all Member States to accept and carry out Council resolutions and urged it to practise restraint and lend importance to the appeals of the international community. He called for any ideas and efforts conducive to breaking the stalemate and facilitating compromises on the issue. He emphasized that this was a sensitive period and that the Islamic Republic of Iran and all other parties should not take any steps that would harm the diplomatic efforts or lead to “complications or loss of control”.⁵⁷

The representative of the United Republic of Tanzania stressed the right of the people of the Islamic Republic of Iran to civilian nuclear energy and said that the resolution did not constrain that right in any way but sought to bring any such programme under a verifiable inspection regime. However, while regretting that the offer of the Islamic Republic of Iran to respond to the package of proposals by 22 August 2006 had not been accommodated, he urged all parties including IAEA to continue engaging the Islamic Republic of Iran. He also noted that his delegation had voted for the resolution because it “preclude[d] the use of force as an option in engaging the Islamic Republic of Iran”.⁵⁸

The representative of France stated that the resolution was made necessary by the fact that three meetings between the Commissioner of the European Union and the chief negotiator of the Islamic Republic of Iran had resulted in no substantial discussion on the proposals made on 6 June by the permanent members of the Council and Germany, leaving the latter no choice but to resume action in the Security Council. He reiterated the possibility of adopting measures under Article 41 of Chapter VII in case the Islamic Republic of Iran refused to comply with the resolution.⁵⁹

The representatives of Japan and Argentina stressed the importance of resolving the issue of non-proliferation through diplomatic and peaceful means.⁶⁰

The representative of the Islamic Republic of Iran expressed his frustration at the fact that his requests to

⁵⁴ S/PV.5500, p. 3.

⁵⁵ Ibid., p. 4.

⁵⁶ Ibid., p. 5.

⁵⁷ Ibid., p. 5-6.

⁵⁸ Ibid., p. 6.

⁵⁹ Ibid., p. 7.

⁶⁰ Ibid., p. 7.

the President to address the Council, dated 29 March 2006 and 28 July 2006, had both been denied and that the Council had adopted several decisions without hearing the views of the concerned party. He recalled the history of resolutions against the Islamic Republic of Iran at the Council by some “Powers permanently represented at the Council”. He said that the Council had been prevented from acting against the “aggression against Palestinian and Lebanese peoples” and the threats of force including threat of using nuclear weapons issued daily against the Islamic Republic of Iran by representatives of the United States, the United Kingdom and the “Israeli regime”, in violation of Article 2 (4) of the Charter. He felt that a few “big Powers” had spared no effort in turning the Council into a tool to prevent the Islamic Republic of Iran from exercising its inalienable right to nuclear technology for peaceful purposes. He said that having been recent victims of weapons of mass destruction during the 1980-1988 war with Iraq, the people of the Islamic Republic of Iran had rejected all development of those weapons on ideological as well as strategic grounds and that the leader of the Islamic Republic had issued a public and religious decree against the production or use of nuclear weapons. He pointed out that since November 2003 all reports of IAEA had indicated the peaceful nature of the nuclear programme of the Islamic Republic of Iran. Since the peaceful programme posed no threat to international peace and security, there was no legal basis or utility in addressing it in the Council. He maintained that the right to enrich uranium was recognized under the Non-Proliferation Treaty and that upholding the rights of States parties to international treaties was as essential as ensuring respect for their obligations. He spoke of a dangerous trend in which, when “it suit[ed] the United States”, even the acquisition of nuclear weapons by Member States not parties to the Treaty was seen as “legitimate”, and questioned how Israel could complain of the peaceful nuclear programme of the Islamic Republic of Iran while its own “nuclear arsenal” had been repeatedly recognized, including by Treaty Review Conferences, as a “threat to regional and international peace and security”. He also said that the imposition of arbitrary thresholds was a function of bilateral considerations rather than objective or technical criteria and observed that the United States had begun efforts to deny the Islamic Republic of Iran any kind of nuclear activity by urging the Russian Federation to cease all cooperation, including

assistance to the light water reactor at Bushehr. He remarked that intervention by the Council would only hinder cooperation of the Islamic Republic of Iran with IAEA since it was designed as an instrument of pressure. He indicated the willingness of the Islamic Republic of Iran to negotiate. He noted that it had taken the European Union plus three Member States nearly five months to consider a proposal made by the Islamic Republic of Iran in 2005 and asked why the resolution had been “rushed” through the Council.⁶¹

**Decision of 23 December 2006 (5612th meeting):
resolution 1737 (2006)**

At the 5612th meeting, on 23 December 2006, the President (Qatar) drew the attention of the Council to a draft resolution submitted by France, Germany and the United Kingdom.⁶² The President also drew attention to several letters from the representative of France,⁶³ and a letter dated 7 December 2006 from the representative of the United Kingdom.⁶⁴ He also drew the attention of the Council to various reports from the Director General of IAEA, which stated, inter alia, that the Islamic Republic of Iran had not provided the necessary transparency to remove uncertainties associated with some of its activities or suspended its enrichment-related activities. The reports noted that IAEA would continue to pursue its investigation of all remaining outstanding issues but it remained unable to make further progress in its efforts to verify the correctness and completeness of the declarations to confirm the peaceful nature of the nuclear programme.⁶⁵

At the meeting, statements were made by representatives of Argentina, China, France, the Islamic Republic of Iran, Japan, Qatar, the Russian Federation, the United Kingdom, the United Republic of Tanzania and the United States.

⁶¹ Ibid., pp. 7-12.

⁶² S/2006/1010.

⁶³ S/2006/521 (see the 5500th meeting, above, for more information), and two letters dated 13 October 2006 transmitting lists of items, materials, equipment, goods and technology related to nuclear programmes and ballistic missile programmes, respectively (S/2006/814 and S/2006/815).

⁶⁴ S/2006/985, transmitting guidelines for sensitive missile-relevant transfers.

⁶⁵ S/2006/150 and S/2006/270 (see above), and the report dated 31 August 2006, transmitted in a note by the President of the Council of the same date (S/2006/702).

Most speakers stressed their commitment to a diplomatic, negotiated solution to the crisis, but noted that the failure of the Islamic Republic of Iran to meet the deadline for suspending enrichment-related and reprocessing activities had meant that the Council had needed to adopt measures under Chapter VII. They stressed that if the Islamic Republic of Iran did suspend its activities the measures would be suspended and negotiations could resume, but if it did not then the Council would consider other measures under Article 41. A number of speakers noted that the sanctions were proportionate and reversible.

Several speakers also underlined that the right of all States to the peaceful use of nuclear energy needed to be respected and protected.⁶⁶ The representative of Qatar stressed that his country had “no suspicions concerning the sincerity of Iran’s intentions as regards the peaceful nature of its nuclear programme”. Calling on the Islamic Republic of Iran to respond to the draft resolution before the Council, he stressed that his delegation’s vote for the draft resolution was prompted by concerns over the safety of the nuclear facilities. He maintained that the potential benefits of cooperation with IAEA in guaranteeing nuclear safety could not be risked, particularly since the resolution would impede delivery of equipment necessary for the nuclear programme, which could have “dangerous repercussions for the nuclear safety issue”.⁶⁷

The representative of the Russian Federation stated that the main thrust of the draft resolution was to support the activities of IAEA through the authority of the Council. He stressed that the restrictions being introduced on cooperation only applied to those areas that caused IAEA concern. His delegation firmly believed that cooperation with the Islamic Republic of Iran in areas that were not restricted by the draft resolution should not be subject to the draft resolution’s restrictions.⁶⁸ The representative of the United Republic of Tanzania agreed that the provisions of the draft resolution should not constrain other legal and commercial transactions that had no bearing on non-proliferation.⁶⁹

The representatives of the Russian Federation and Argentina also maintained that an effective solution to the problem needed to be found within a political, diplomatic and legal framework and that the measures were taken in accordance with Article 41, which allowed no recourse to the use of force.⁷⁰

The representative of the United States, noting that the Islamic Republic of Iran had continued to defy the international community, maintained that the draft resolution was clear and “not open to interpretation” on the fact that it would compel all Member States to take all measures necessary to deny equipment, technology, technical and financial assistance that would contribute to the enrichment, reprocessing, heavy water or nuclear-weapon delivery programmes of the Islamic Republic of Iran. He stressed that his Government would insist on “absolute adherence” to its requirements and would also take steps under domestic law to put in place appropriate measures against individuals and entities involved in the nuclear programme and call on other countries to follow suit.⁷¹

The representative of China commented that the Council could not handle this issue “single-handedly”, and that IAEA remained the principal mechanism for dealing with the issue. He said that diplomatic efforts outside the Council needed to be strengthened and called on all the parties concerned to adopt a constructive attitude, “remain calm, practise restraint, and refrain from taking any steps that would harm diplomatic efforts and lead to a deterioration of the situation”.⁷²

The representative of the Islamic Republic of Iran, referring to recent statements made by Israel regarding its nuclear weapons, questioned the rationale of the Council in imposing sanctions on the Islamic Republic of Iran, which had “never attacked or threatened to use force” against any Member of the United Nations; had rejected the development of nuclear weapons on ideological grounds; was prepared to provide guarantees that it would never withdraw from the Non-Proliferation Treaty; had allowed IAEA inspections; had suspended its lawful enrichment activities for over two years and was ready to resume implementation of the Additional Protocol. He argued that the Council was obliged to respond to the “Israeli

⁶⁶ S/PV.5612, p. 4 (Qatar); p. 7 (Japan); p. 8 (United Republic of Tanzania); and p. 8 (Argentina).

⁶⁷ *Ibid.*, p. 4.

⁶⁸ *Ibid.*, p. 2.

⁶⁹ *Ibid.*, p. 8.

⁷⁰ *Ibid.*, p. 2 (Russian Federation); and p. 8 (Argentina).

⁷¹ *Ibid.*, pp. 3-4.

⁷² *Ibid.*, pp. 7-8.

regime's unlawful possession of nuclear weapons" under Article 24 of the Charter. He said that finding solutions to the issue was never among the objectives of the resolutions proposed by "a few of [the Council's] permanent members, particularly the United States" as they had not seriously considered the proposals of the Islamic Republic of Iran, but were only trying to use the Council to "compel Iran to abandon its rights".⁷³

The draft resolution was put to the vote and adopted unanimously by the Council as resolution 1737 (2006), by which the Council, acting under Chapter VII of the Charter,⁷⁴ inter alia:

Decided that the Islamic Republic of Iran should without further delay suspend its proliferation-sensitive nuclear activities;

Decided also that all States should take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories of all items, materials, equipment, goods and technology which could contribute to the Islamic Republic of Iran's enrichment-related, reprocessing or heavy water-related activities;

Decided that all States should also take the necessary measures to prevent the provision to the Islamic Republic of Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology;

Decided that the Islamic Republic of Iran should not export any of the items in documents S/2006/814 and S/2006/815 and that all Member States should prohibit the procurement of such items from the Islamic Republic of Iran by their nationals;

Decided that the Islamic Republic of Iran should provide such access and cooperation as IAEA requested to be able to verify the suspension outlined in the resolution and to resolve all outstanding issues;

Decided that all States should freeze the funds, other financial assets and economic resources which were on their territories at the date of adoption of the resolution or at any time thereafter, that were owned or controlled by the persons or entities designated in the annex to the resolution, as well as those of additional persons or entities designated by the Council or by the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities;

Decided that technical cooperation provided to the Islamic Republic of Iran by IAEA or under its auspices should only be for food, agricultural, medical, safety or other humanitarian purposes;

Decided to establish a Committee of the Security Council to implement the resolution;

Requested within 60 days a report from the Director General of IAEA on whether the Islamic Republic of Iran had established full and sustained suspension of all activities mentioned in the resolution.

**Decision of 24 March 2007 (5647th meeting):
resolution 1747 (2007)**

At its 5646th meeting, on 23 March 2007, the Council considered the item entitled "Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)". In addition to the briefing by the Chairman of the Committee, a statement was made by the representative of the United States.

The Chairman stated that he had instructed the Committee not to resort to interpretations of resolution 1737 (2006), and to instead implement the resolution as worded and ensure that it was correctly implemented. He then provided an overview of the activities of the Committee.⁷⁵

The representative of the United States expressed satisfaction that many Member States had submitted reports on their implementation of the sanctions measures, but expressed concern that some reports provided inadequate details on steps that had been taken to enforce or enact laws or regulations to implement resolution 1737 (2006). He stressed that it was essential for Member States to provide comprehensive descriptions of their actions to meet the obligations of the resolution. Moreover, he also expressed concern that about 70 per cent of Member States had not yet submitted their reports to the Committee.⁷⁶

At the 5647th meeting, on 24 March 2007, the President (South Africa) drew the attention of the Council to a note by the President of the Council dated 22 February 2007,⁷⁷ transmitting the report of the Director General of IAEA, which stated that the Islamic Republic of Iran had continued its enrichment-

⁷³ Ibid., pp. 8-13.

⁷⁴ See also chap XI, part III, sect. A, with regard to measures imposed under Chapter VII of the Charter.

⁷⁵ S/PV.5646, pp. 2-4.

⁷⁶ Ibid., p. 4.

⁷⁷ S/2007/100.

related activities and that IAEA remained unable to report progress in its efforts to verify the past development of the nuclear programme and was therefore not able to provide assurances about the absence of undeclared nuclear material and activities in the Islamic Republic of Iran or about the exclusively peaceful nature of that programme.

At the meeting, statements were made by most members of the Council,⁷⁸ and the representative of the Islamic Republic of Iran.

Most speakers expressed regret that the Council had needed to impose new sanctions on the Islamic Republic of Iran and urged its Government to cooperate fully with IAEA so that the peaceful nature of the nuclear programme could be verified, while stressing the need to find a peaceful solution to the impasse. Emphasizing the importance of efforts to stop non-proliferation, they also expressed strong support for the Non-Proliferation Treaty and called on all States to adhere to it.

Several speakers emphasized that the inalienable right of signatory States to develop and have access to nuclear energy for peaceful purposes was a cornerstone of the Treaty.⁷⁹ Others noted the importance of working towards the eventual disarmament of all nuclear-weapon States,⁸⁰ or specifically called for the establishment of a nuclear-weapon-free zone in the Middle East.⁸¹ Other speakers expressed concern that even after several years of investigation IAEA was still unable to provide the international community with the assurance it required with respect to the strictly peaceful nature of the programme and noted that questions that had military implications remained unanswered.⁸²

Several representatives also stressed that the draft resolution before the Council did not introduce any change to the provisions of paragraph 15 of resolution

1737 (2006).⁸³ The asset freeze, therefore, did not prevent a person or an entity designated in the annexes to Security Council resolution 1737 (2006) and to the current draft resolution from making payments due under a contract that entered into force before that person or entity was listed in cases covered by paragraph 15.⁸⁴ The representative of the Russian Federation added that this meant that the activities authorized by the Security Council in the area of trade and economic cooperation could continue.⁸⁵

The representatives of the Congo, Indonesia and China concurred that the vote should not be seen as a punitive measure and that the role of the Security Council was not to become an “instrument of coercion”. Rather, the draft resolution was a way to persuade the Government of the Islamic Republic of Iran to comply with previous resolutions and resolve outstanding issues with IAEA.⁸⁶

The representative of South Africa stated that his delegation would vote in favour of the draft resolution although it was far from ideal. He believed that coercive measures such as sanctions should be utilized with great caution and only to support the resumption of political dialogue and negotiations. He criticized the sponsors of the draft resolution for acting as if the Government of the Islamic Republic of Iran itself posed a threat to international peace and security, whereas the question was whether the nuclear programme of the Islamic Republic of Iran was a threat. He added that South Africa had proposed a

⁷⁸ The representatives of Ghana, Italy and Peru did not make statements.

⁷⁹ S/PV.5647, p. 2 (Qatar); p. 3 (Congo); p. 4 (Indonesia); p. 7 (France); pp. 11-12 (China); p. 12 (Panama); and p. 13 (Slovakia).

⁸⁰ Ibid., p. 3 (Congo, Indonesia); and p. 5 (South Africa).

⁸¹ Ibid., p. 2 (Qatar); and p. 4 (Indonesia).

⁸² Ibid., p. 3 (Congo); p. 7 (France).

⁸³ Resolution 1737 (2006), paragraph 15 reads, “15.

Decides that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that: (a) The contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in paragraphs 3, 4 and 6 above; (b) The payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 12 above; and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization”.

⁸⁴ S/PV.5647, p. 7 (United Kingdom, France); p. 9 (United States); and p. 11 (Russian Federation, China).

⁸⁵ Ibid., p. 11.

⁸⁶ Ibid., p. 3 (Congo, Indonesia); and p. 11 (China).

number of constructive amendments to the draft resolution so that it would be “proportionate, incremental, and reversible” and was disappointed that all the proposals had not been accommodated.⁸⁷

The representative of the United Kingdom read out the text of a joint statement of the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom and the United States that deplored the failure of the Islamic Republic of Iran to comply with the earlier resolutions of the Security Council and IAEA. It also reaffirmed the “suspension-for-suspension” proposal which stated that for the duration of negotiations the Islamic Republic of Iran would maintain an IAEA-verified suspension of uranium enrichment, simultaneous to which Security Council discussion of the nuclear programme and the implementations of the measures adopted under the relevant Council resolutions would also be suspended.⁸⁸

The representatives of the United Kingdom and France maintained that by adopting the resolution, the Council continued its “incremental and proportionate” approach to the stance of the Islamic Republic of Iran.⁸⁹

The representative of the United States stated that the measures being taken were not meant to punish the civilian population and were tailored to target institutions and individuals who supported the nuclear and missile programmes of the Islamic Republic of Iran. He rejected the claim of the leadership of the Islamic Republic of Iran that the Council had sought to deprive it of its right to peaceful nuclear energy and pointed out the proposal made in June 2006 to render assistance in the construction of civilian light-water nuclear power plants. He said that the rejection of that offer had sent a “deeply troubling” signal to the international community. Noting that the leadership of the Islamic Republic of Iran had called the Council “illegal”, he stressed that Article 25 of the Charter placed binding obligations on all Member States to carry out the decisions of the Council. He also noted that the calls by the Islamic Republic of Iran to have Israel “wiped off the map” were a violation of Article 2 of the Charter, which made clear that all Members

should refrain from the threat of force in international relations.⁹⁰

The representative of the Russian Federation highlighted that the measures imposed under resolution 1747 (2007) had been imposed according to Article 41 of the Charter and therefore precluded the possibility of the use of force.⁹¹ The representative of the Congo also stressed that the solution to the crisis needed to be found exclusively through dialogue, without any threats to use force.⁹²

The representative of China stated that in handling the nuclear issue no action should deviate from the goal of safeguarding international non-proliferation mechanisms and maintaining peace and stability. It was also essential to keep the process on a path of dialogue and negotiation and insist on a peaceful solution. Therefore, it was important to reinforce diplomatic efforts outside the Security Council.⁹³

In response, the representative of the Islamic Republic of Iran alleged that the Member States who had initiated the resolution had first “manipulated the Board of Governors” of IAEA and then taken advantage of their “power to pressure and manipulate the Security Council to adopt three unwarranted resolutions”, which were trying to deprive his nation of its “inalienable right” to develop nuclear technology for peaceful purposes. He also argued that his country’s peaceful nuclear programme posed no threat to international peace and security and therefore fell outside the Charter-based mandate of the Council. He noted that IAEA had stated in its report that all nuclear material inside the Islamic Republic of Iran had been accounted for, verified that none of the declared nuclear material had been diverted, and indicated that it had not seen any industrial capacity to produce weapon-usable nuclear material. Nonetheless, the Council was “punishing a country” that had fulfilled all its commitments under the Non-Proliferation Treaty and the IAEA safeguards. Moreover, the resolution departed “from the stated claims of its sponsors” by targeting defence, economic and educational

⁸⁷ Ibid., pp. 4-5.

⁸⁸ Ibid., pp. 5-6.

⁸⁹ Ibid., p. 7 (United Kingdom, France).

⁹⁰ Ibid., pp. 9-10. With regard to Article 25, see chap. XII, part II, sect. B, case 19; with regard to Article 2 (4), see chap. XII, part I, sect. B.

⁹¹ Ibid., p. 11.

⁹² Ibid., p. 3.

⁹³ Ibid., p. 11-12.

institutions, it was clearly pursuing objectives “far beyond Iran’s peaceful nuclear programme”. Finally, he reiterated that his country had always been ready for “time-bound and unconditional negotiations”, but that the only way forward was to “abandon unwise preconditions”, stressing that suspension was “neither an option nor a solution”.⁹⁴

The President then drew the attention of the Council to a draft resolution submitted by France, Germany and the United Kingdom;⁹⁵ it was then put to the vote and adopted unanimously as resolution 1747 (2007), by which the Council, acting under Chapter VII of the Charter,⁹⁶ *inter alia*:

Decided that all States should notify the Committee of the entry into or transit through their territories of the persons designated in the annex I to the resolution 1737 (2006) or annex I to the resolution;

Decided that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) should apply also to the persons and entities listed in annex I to the resolution;

Decided that the Islamic Republic of Iran should not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States should prohibit the procurement of such items from the Islamic Republic of Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory Islamic Republic of Iran;

Called upon all States and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and development purposes;

Called upon all States to report to the Committee within 60 days of the adoption of the resolution on the steps they had taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7;

Requested within 60 days a further report from the Director General of IAEA on whether the Islamic Republic of Iran had established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the Board of Governors and with the other provisions of resolution 1737 (2006) and of the current resolution, to the Board and, in parallel, to the Council for its consideration.

⁹⁴ *Ibid.*, pp. 14-18.

⁹⁵ S/2007/170.

⁹⁶ See also, chap. XI, part III, sect. A, with regard to measures imposed under Chapter VII of the Charter.

At its 5702nd, 5743rd and 5807th meetings,⁹⁷ the Council considered the item entitled “Briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006)”. At those meetings, statements were made by the representatives of the United States and Qatar.

In his briefing at the 5702nd meeting, the Chairman recalled that after his report of 24 March 2007, the Council had, by resolution 1747 (2007), imposed additional measures including a ban on arms export from the Islamic Republic of Iran, asset freeze and travel ban on additional individuals. The Chairman then provided an overview of the work of the Committee.⁹⁸

At the same meeting, the representative of the United States referred the report of the Director General of IAEA to the Council confirming the failure of the Islamic Republic of Iran to suspend its uranium enrichment and heavy water-related activities, while limiting the access of IAEA to the Arak heavy water reactor. She reiterated the “generous offer” of China, France, Germany, the Russian Federation, the United Kingdom and the United States to the Islamic Republic of Iran. She cautioned that Member States should be prudent in applying exemptions to the asset freeze called for by the resolution.⁹⁹

At the briefings at the 5743rd and 5807th meetings, the Chairman of the Committee provided overviews of the work of the Committee during that period.¹⁰⁰

At those meetings, the representative of the United States reiterated his call on the Islamic Republic of Iran to change its confrontational course, suspend its proliferation-sensitive nuclear activities and cooperate fully and unconditionally with IAEA.¹⁰¹

At the 5807th meeting, the representative of the United States added that his Government endorsed the supply of enriched uranium by the Russian Federation to the nuclear power plant being constructed by the Islamic Republic of Iran in Bushehr, as it demonstrated that the Islamic Republic of Iran did not need to pursue

⁹⁷ Held on 21 June, 19 September and 18 December 2007, respectively.

⁹⁸ S/PV.5702, pp. 2-3.

⁹⁹ *Ibid.*, pp. 3-4.

¹⁰⁰ S/PV.5743, pp. 2-3; and S/PV.5807, p. 2.

¹⁰¹ S/PV.5743, pp. 3-4; and S/PV.5807, p. 2.

uranium enrichment and other sensitive aspects of the nuclear fuel cycle to have access to nuclear power. He reiterated that the United States, the United Kingdom, France, China, the Russian Federation and Germany could offer the Islamic Republic of Iran assistance in the development of a civil nuclear power programme if it complied with the requirements of the Council.¹⁰²

At the same meeting, the representative of Qatar commented that it was important that the Non-Proliferation Treaty was implemented for all States in the Middle East without selectivity or discrimination. He welcomed the work plan agreement of August 2007 between the Islamic Republic of Iran and IAEA regarding the IAEA safeguards regime and urged all parties to the debate to maintain restraint and not attempt to affect the independence of IAEA.¹⁰³

C. Non-proliferation/Democratic People's Republic of Korea

Initial proceedings

Decision of 14 October 2006 (5551st meeting): resolution 1718 (2006)

At the 5551st meeting, on 14 October 2006,¹⁰⁴ statements were made by the representatives of Argentina, China, France, Japan, the Russian Federation, the United Kingdom and the United States and the representatives of the Democratic People's Republic of Korea and the Republic of Korea. The President (Japan) drew the attention of the Council to a letter transmitting a statement by the spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.¹⁰⁵ In the letter, the spokesman stated that the underground nuclear test conducted on 9 October 2006 was a measure to bolster the self-defence capacity of the Democratic People's Republic of Korea and "was entirely attributable to the United States nuclear threat, sanctions and pressure". He complained that as soon as the Democratic People's

Republic of Korea, which had already pulled out of the Treaty on the Non-Proliferation of Nuclear Weapons, had declared that it had conducted a nuclear test "the United States manipulated the Security Council to issue a resolution pressurizing Pyongyang, an indication of the disturbing moves to impose collective sanctions upon it". Nonetheless, while the Democratic People's Republic of Korea had conducted the nuclear test, he declared that his country maintained its will to denuclearize the Korean peninsula through dialogue and negotiations. However, if the United States increased pressure upon the Democratic People's Republic of Korea, it would continue to take physical countermeasures, and consider it as a declaration of war. The President also drew attention to three letters dated 13 October 2006 from the representative of France,¹⁰⁶ transmitting lists of items, materials, equipment, goods and technology related to nuclear, ballistic missile and other weapons of mass destruction.

The President drew the attention of the Council to a draft resolution;¹⁰⁷ it was put to vote and adopted unanimously as resolution 1718 (2006), by which the Council, acting under Chapter VII of the Charter and taking measures under its Article 41:

Demanded that the Democratic People's Republic of Korea not conduct any further nuclear test or launch of a ballistic missile;

Demanded that the Democratic People's Republic of Korea immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

Decided that the Democratic People's Republic of Korea should suspend all activities related to its ballistic missile programme;

Decided that the Democratic People's Republic of Korea should abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner;

Decided also that the Democratic People's Republic of Korea should abandon all other existing weapons of mass destruction and ballistic missile programmes in a complete, verifiable and irreversible manner;

Decided to impose measures relating to the export or import from the Democratic People's Republic of Korea of certain goods and materials.

Most members of the Council welcomed the resolution and stressed the need to respond firmly and

¹⁰² S/PV.5807, pp. 2-3.

¹⁰³ *Ibid.*, p. 3.

¹⁰⁴ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; chap. XI, part III, sect. B, with regard to Article 41; and chap. XI, part IX, sect. B, with regard to Article 51.

¹⁰⁵ S/2006/801.

¹⁰⁶ S/2006/814, S/2006/815 and S/2006/816.

¹⁰⁷ S/2006/805.

swiftly to the irresponsible actions of the Democratic People's Republic of Korea. They stressed that the Democratic People's Republic of Korea, *inter alia*, needed to implement the provisions of all Council resolutions, including resolution 1695 (2006), by which the Council had demanded suspension of the ballistic missile programme and verifiable dismantlement of nuclear development in the Democratic People's Republic of Korea, and return to the six-party talks. Most representatives stressed that if the Democratic People's Republic of Korea implemented the relevant provisions of the resolution, the sanctions measures would be suspended or lifted. The representatives of the Russian Federation and Japan¹⁰⁸ expressed regret that the Democratic People's Republic of Korea had ignored the message in the statement by the President of the Security Council of 6 October 2006.¹⁰⁹ A number of members also commented on humanitarian concerns, stating that the sanctions were not targeted towards the suffering people in the Democratic People's Republic of Korea.¹¹⁰

The representative of the United States said that the proclaimed test of a nuclear device by the Democratic People's Republic of Korea posed one of the gravest threats to international peace and security ever confronted by the Security Council. He stressed that the strong and clear message sent to the Democratic People's Republic of Korea extended to "other would-be proliferators", and expressed disappointment that the Government of the Democratic People's Republic of Korea had broken its word again. Underlining that the Council needed to be prepared if the Democratic People's Republic of Korea again decided to ignore the resolutions, he stated that the United States and other members could, at any point in time, strengthen the measures against the Democratic People's Republic of Korea and return to the Council for further action. He concluded by reassuring the allies of the United States in the region that his Government remained committed to their security and that it sought to increase defence cooperation with its

allies, including cooperation on ballistic missile defence.¹¹¹

The representative of the United Kingdom stated that the Council had a duty to condemn provocative behaviour which constituted a threat to international peace and security.¹¹²

The representative of Japan stressed that the combination of ballistic missile capacity and nuclear capability of the Democratic People's Republic of Korea, with its proven record of reckless behaviour as a proliferator, constituted a grave threat to peace and security. He expressed regret that the test violated the Japan-Democratic People's Republic of Korea Pyongyang Declaration, the Joint Statement of 19 September 2005 and other agreements. Mentioning that the Government of Japan had announced firm measures in protest of the nuclear test including denial of permission to enter Japanese ports to all vessels of the Democratic People's Republic of Korea, he urged other members to swiftly implement the provisions of the resolution.¹¹³

The representative of China expressed firm opposition to the nuclear test and support for the firm and appropriate response of the Council. However, he voiced disapproval against the practice of inspecting cargo to and from the Democratic People's Republic of Korea and, therefore, expressed reservations about the relevant provisions of the resolution. He strongly urged the members to adopt a prudent and responsible attitude to prevent provocative steps that might intensify the tension. He emphasized that the Government of China remained committed to a peaceful solution to the nuclear issue in the Korean peninsula, and expressed his belief in the six-party talks as a realistic measure. He voiced firm opposition to the use of force, and expressed satisfaction that the parties concerned had indicated the importance of diplomatic efforts.¹¹⁴

The representative of the Russian Federation called for a strong but carefully vetted response to prevent further escalation of tension. He stressed that any sanctions measures should not remain in place indefinitely, and that goals such as bringing the Democratic People's Republic of Korea back to the

¹⁰⁸ S/PV.5557, p. 5 (Russian Federation); and p. 7 (Japan).

¹⁰⁹ S/PRST/2006/41. See section 27 (Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council) of the present chapter.

¹¹⁰ S/PV.5551, p. 3 (United States); and p. 5 (United Kingdom, Russian Federation).

¹¹¹ *Ibid.*, pp. 2-3.

¹¹² *Ibid.*, p. 5.

¹¹³ *Ibid.*, pp. 6-7.

¹¹⁴ *Ibid.*, pp. 4-5.

Treaty on the Non-Proliferation of Nuclear Weapons could be achieved only through political and diplomatic means.¹¹⁵

The representative of the Democratic People's Republic of Korea rejected the resolution, asserting that it was "gangster-like" for the Council to adopt a coercive measure, while neglecting the nuclear threat, moves for sanctions and pressure of the United States against his country. He claimed that even though the Democratic People's Republic of Korea had made every effort to settle the nuclear issue through dialogue and negotiations, the United States Administration had responded to its patient and sincere effort with a policy of sanctions and blockade. He also stated that the denuclearization of the Korean peninsula was the ultimate goal of the Democratic People's Republic of Korea. The representative concluded that the nuclear test did not contradict the Joint Statement of 19 September 2005, under which it had committed itself to dismantling its nuclear weapons and to abandoning its existing nuclear programme, because his Government had clarified that it would not need nuclear weapons once the United States had dropped its hostile policy and confidence had been built between the two countries.¹¹⁶

The representative of the Republic of Korea stated that the nuclear test was an unacceptable breach of the Joint Statement of 19 September 2005 and the Joint Declaration on the Denuclearization of the Korean Peninsula signed in 1991. He concluded that the acts of the Democratic People's Republic of Korea would never be condoned and that their impact on inter-Korean relations could be only negative.¹¹⁷

The representative of Argentina pointed out that the letters dated 13 October 2006 from the representative of France¹¹⁶ had been circulated only to identify the items referred to in the resolution and not to legislate on the control of dual-use material and technologies in areas covered by specific treaties.¹¹⁸

Deliberations of 11 January 2007 (5618th meeting)

At its 5618th meeting, on 11 January 2007, the Council heard a briefing by the Chairman of the

¹¹⁵ Ibid., pp. 5-6.

¹¹⁶ Ibid., pp. 7-8.

¹¹⁷ Ibid., pp. 8-9.

¹¹⁸ Ibid., p. 6.

Security Council Committee established pursuant to resolution 1718 (2006) on the activities of the Committee from 14 October 2006 to 11 January 2007. The representatives of France, the United Kingdom and the United States made statements.

The Chairman informed the Council that the Committee had revised the chemical and biological programmes list. He said that the Committee had received reports from 46 countries and the European Union on the steps that they had taken with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006). He also noted that the Committee had received letters from the International Air Transport Association and the Permanent Mission of Ukraine to the United Nations, seeking guidance on or providing notification of cooperation with the Government of the Democratic People's Republic of Korea. He noted that the Committee had concluded that any definition of luxury goods would be the national responsibility of individual Member States, and that the resolution did not intend to have a negative humanitarian impact on the Democratic People's Republic of Korea.¹¹⁹

The representative of the United States called for a prompt adoption of amendments to the lists of items, materials, equipment, goods and technology prohibited from export to or import from the Democratic People's Republic of Korea. She added that the Committee guidelines should be adopted no later than the end of January, but that their adoption was not a precondition for Committee or Council action.¹²⁰

The representative of France asked the Committee to begin work on identifying individuals and entities covered by the measures of freezing assets and restricting travel; consider adding articles to the lists; and specify that the resolution's provisions did not ban vaccines or basic products.¹²¹

The representative of the United Kingdom urged the remaining 146 Member States of the United Nations to submit reports on the steps they had taken to implement the terms of the resolution.¹²²

¹¹⁹ S/PV.5618, pp. 2-3.

¹²⁰ Ibid., p. 3.

¹²¹ Ibid., pp. 3-4.

¹²² Ibid., p. 4.

47. United Nations peacekeeping operations

Decision of 17 May 2004 (4970th meeting): statement by the President

At its 4970th meeting, held on 17 May 2004, the Security Council, presided over by the Minister for Foreign Affairs of Pakistan, held a thematic open debate on United Nations peacekeeping operations.¹ All Council members made statements, in addition to the Secretary-General, the Under-Secretary-General for Peacekeeping Operations, and the representatives of Argentina, Armenia, Australia, Bangladesh, Canada, Côte d'Ivoire, Egypt, Fiji, Guatemala, India, Indonesia, Ireland, Japan, Kazakhstan, Lebanon, Malaysia, Namibia, Nepal, New Zealand, Peru, the Republic of Korea, the Republic of Moldova, Serbia and Montenegro, South Africa, the Syrian Arab Republic, Tunisia and Ukraine.

The Council had before it a letter dated 10 May 2004 from the representative of Pakistan,² including a non-paper suggesting that the discussion focus on the following elements: the forthcoming challenges for the United Nations system to generate sufficient levels of political, financial, human and logistical support from Member States in the wake of the recent surge in demand for United Nations peacekeeping operations; the evaluation of the progress made in United Nations peacekeeping since the Brahimi reforms;³ and the assessment of future trends in the strategic and operational aspects of peacekeeping operations. The letter was included in the agenda.

In his opening statement, the Secretary-General highlighted the surging demand for peacekeeping operations, including an increasing number of multi-dimensional operations, the mandates of which went beyond the traditional military functions. He noted that to absorb costs for the new and enhanced missions the United Nations might need an extra

\$1 billion beyond the current peacekeeping budget of \$2.82 billion. He then underlined a number of key challenges to operations, including, growing expectations of what multi-dimensional missions could achieve; increasing violence against peacekeepers by peace spoilers; the need for all United Nations departments, agencies and programmes to play their part in the peacekeeping process; the need for the Security Council to show commitment and solidarity and to provide clear, implementable and achievable mandates; and the need to provide peacekeeping operations with adequate resources, including specialized military capacities. Finally, he urged Member States to back-up peacekeeping operations with troops and political commitment.⁴

Speakers welcomed the marked progress that had been achieved in reforming and strengthening peacekeeping operations in recent years as a result of reforms carried out since the adoption of the Brahimi report. At the same time, they agreed that peacekeeping operations mandates had become increasingly complex, multifaceted and multidimensional, and that the United Nations Secretariat was faced with increasing difficulties in staffing new missions on short notice, as that depended entirely on the willingness of Member States.

Speakers concurred that enhanced operational effectiveness could be met through improvements in planning, training, logistics and management. They also stressed the need to strengthen the rapid deployment capacity to respond to urgent crises and that, for that purpose, adequate political and financial support was necessary. A few speakers welcomed recent initiatives at pre-deployment training. Other delegations pointed out the necessity to reinforce conflict prevention initiatives through an early warning mechanism.

Other points of agreement included the need to further strengthen the relationship between the Security Council, the Secretariat and the troop contributors, as well as between the United Nations and regional organizations and between the Security Council and the wider United Nations membership, especially since a more integrated approach to peacebuilding was required. Along those lines, a number of delegations

¹ For more information on the discussion at this meeting and the decision adopted, see chap. IV, part I, note, with regard to decision-making and voting; chap. VI, part II, sect. B, case 12 (c), with regard to relations with the Economic and Social Council; chap. XI, part V, sects. C, D and F, with regard to Articles 44 and 47 of the Charter; and chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

² S/2004/378.

³ See A/55/305-S/2000/809 (Report of the Panel on United Nations Peace Operations).

⁴ S/PV.4970, pp. 3-5.

stressed the importance of increasing coordination between peacekeeping operations in the same region and subregion. Speakers also concurred that it was imperative for each peacekeeping operation to have an exit strategy and a strategy for long-term developments, possibly through the establishment from the outset of clear substantive benchmarks, while at the same time avoiding precipitate withdrawals.

Regarding the mandate of peacekeeping operations, many speakers made specific recommendations, including restricting the use of Chapter VII mandates by the Security Council; providing clear-cut, timely, effective and impartial mandates; providing sufficiently robust rules of engagement while keeping the principle of the non-use of force except in self-defence; better ensuring the safety of peacekeepers, including by preventing the spread of HIV/AIDS; tailoring the tasks to what peacekeepers were able to do; enhancing their capacity to collect, analyse and disseminate intelligence; incorporating a gender perspective as well as protection of children tasks into all mandates; and formulating standardized codes of conduct applicable to all mission personnel.

At the end of the meeting, the President made a statement on behalf of the Council,⁵ by which the Council, *inter alia*:

Called upon Member States to ensure that the United Nations was provided with full political and financial support to meet the challenges [presented by the demand for new peacekeeping operations] effectively; and stressed that it was also important to ensure that, while meeting that demand, the resources available for and effective management of the existing operations were not adversely affected;

Called upon Member States to contribute sufficient levels of trained troops, police and civilian personnel, including those with specialized capabilities and skills, bearing in mind the need for an increased percentage of female personnel at all decision-making levels, as well as mobilization of logistic and administrative support;

Stressed the need for improved integrated mission planning, as well as enhanced capacity for rapid deployment of personnel and materiel to ensure efficient start-up of peacekeeping operations;

Recognized its responsibility to provide clear, realistic and achievable mandates for peacekeeping missions;

[Stated that] troop-contributing countries, through their experience and expertise, could greatly contribute to the planning process and assist the Council in taking appropriate, effective and timely decisions on peacekeeping operations;

Stressed that, in challenging environments, United Nations peacekeepers might need to be provided with sufficiently robust rules of engagement and the necessary military resources to enable them to fulfil their mandate and, if necessary, to defend themselves;

Encouraged Special Representatives of the Secretary-General to explore synergies to ensure effective management of peacekeeping missions in the same regions or subregions;

Stressed the need to regularly assess the size, mandate and structure of peacekeeping operations with a view to making the necessary adjustments, including downsizing, where appropriate;

Recognized that effective peacekeeping operations should be part of an overall strategy to consolidate and sustain peace, and stressed the need to ensure from the outset coordination, coherence and continuity, in particular between peacekeeping and on the one hand and peacebuilding on the other hand; to that end, it encouraged closer cooperation between all relevant United Nations agencies, funds and programmes and international financial institutions, regional and subregional organizations and the private sector.

**Decision of 31 May 2005 (5191st meeting):
statement by the President**

At its 5191st meeting, on 31 May 2005, the Council was briefed by the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel. The Council also heard a briefing by the Under-Secretary-General for Peacekeeping Operations.

The President (Denmark) drew attention to a letter dated 24 March 2005 from the Secretary-General,⁶ transmitting the report of the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel, entitled “A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations”. The report identified four areas of concern: the current rules on standards of conduct; the investigative process; organizational, managerial and command accountability; and individual disciplinary, financial and criminal accountability. The letter was included in the agenda.

⁵ S/PRST/2004/16.

⁶ A/59/710.

The President also drew attention to the report of the Special Committee on Peacekeeping Operations and its Working Group,⁷ containing urgent recommendations regarding problem of sexual exploitation and abuse in peacekeeping contexts. The recommendations included measures in the areas of the adoption of standards of conduct, training, participation of women in peacekeeping operations, planning, management and command responsibility, welfare and recreation, data management, investigations, and victim assistance.

The Adviser to the Secretary-General noted that sexual exploitation (predominantly prostitution) appeared to be widespread in some United Nations operations, whereas sexual abuse (when the exploitation becomes criminal) was more difficult to gauge. He added that the level of abuse was probably more serious than previously thought and expressed concern at how certain United Nations civilian personnel could enjoy impunity. He then lamented that the issue had been unresolved for so long, even though ill-discipline of peacekeeping personnel was already a problem in 1960, pointing at sentiments of pride and embarrassment, and at the refusal of Member States to have a “public discourse” on the issue. He looked forward to the Secretary-General’s appointment of a group of legal experts that would advise on how to ensure that peacekeepers would not be exempt from the consequences of their criminal acts, or unjustly penalized. He emphasized that more allegations would be likely to emerge in the near term as the Secretariat strengthened the systems to lodge complaints. He concluded by saying that such abuses struck at the very credibility of the United Nations as a whole and, if unresolved, would carry the most serious consequences for the future of peacekeeping.⁸

The Under-Secretary-General affirmed that sexual abuse and exploitation undermined the ability to implement Council mandates. Since the first allegations surfaced in the Democratic Republic of the Congo in mid-2004, the Department of Peacekeeping Operations had made significant progress in its investigations and was putting in place “wide-ranging” measures to prevent it, which had already been implemented by field missions. At Headquarters, a task force established by the Department was developing

guidelines and tools to effectively address this problem, with the aim of creating an “organizational culture” that prevented sexual exploitation and abuse. The Under-Secretary-General particularly highlighted the need for the inclusion of specific provisions in Council mandates for peacekeeping operations to address misconduct.⁹

At the end of the meeting, the President made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Condemned, in the strongest terms, all acts of sexual abuse and exploitation committed by United Nations peacekeeping personnel, and reiterated that sexual exploitation and abuse are unacceptable and have a detrimental effect on the fulfilment of mission mandates;

While confirming that the conduct and discipline of troops is primarily the responsibility of troop-contributing countries, recognized the shared responsibility of the Secretary-General and all Member States to take every measure within their purview to prevent sexual exploitation and abuse by all categories of personnel in United Nations peacekeeping missions;

Underlined the fact that the provision of an environment in which sexual exploitation and abuse are not tolerated is primarily the responsibility of managers and commanders;

Urged the Secretary-General and troop-contributing countries to ensure that the recommendations of the Special Committee which fall within their respective responsibilities are implemented without delay;

[Stated that it] would consider including relevant provisions for prevention, monitoring, investigation and reporting of misconduct cases in its resolutions establishing new mandates or renewing existing mandates and called upon the Secretary-General to include, in his regular reporting on peacekeeping missions, a summary of the preventive measures taken to implement a zero-tolerance policy and of the outcome of actions taken against personnel found culpable of sexual exploitation and abuse.

Deliberations of 22 February 2006 (5376th meeting)

At its 5376th meeting, on 22 February 2006, the Council heard a briefing by the Chef de Cabinet of the Executive Office of the Secretary-General on the issue of peacekeeping procurement.¹¹ All Council members

⁹ *Ibid.*, pp. 5-6.

¹⁰ S/PRST/2005/21.

¹¹ For more information on the discussion at this meeting, see chap. XII, part II, sect. A, case 14, with regard to Article 24 of the Charter.

⁷ A/59/19/Add.1 of 11 April 2005.

⁸ S/PV.5191, pp. 2-4.

made statements as did the representatives of Austria (on behalf of the European Union), Malaysia (on behalf of the Non-Aligned Movement), Sierra Leone (on behalf of the Group of African States), Singapore and South Africa (on behalf of the Group of 77).

The President (United States) drew attention to letters dated 3 and 15 February 2006 from the representative of Malaysia on behalf of the Non-Aligned Movement, a letter dated 17 February 2006 from the representative of South Africa on behalf of the Group of 77, and a letter dated 20 February from the representative of Sierra Leone, on behalf of the African States, expressing concern about the continuing encroachment by the Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fell within the competence of the latter organs. In particular, the authors that issues involving the management and procurement of peacekeeping operations and sexual abuse within peacekeeping operations were scheduled to be discussed by the Council even though those issues were still under active consideration by the General Assembly.¹²

The Chef de Cabinet briefed the Council on the steps currently undertaken by the Secretariat to improve procurement systems for peacekeeping operations and to crack down on waste, fraud and other potential abuse. He recalled that, with the growth of peacekeeping itself, peacekeeping-related procurement had been growing fast also, with a 70 per cent increase in the number of military personnel deployed. He then turned to a recent audit by the Office of Internal Oversight Services of peacekeeping procurement, which found that the Organization was exposed to serious risks of financial loss, and that there were indications of serious potential irregularities including conflict of interest with vendors, and evidence of \$300 million in fraud. The Chef de Cabinet specified then that actually there was only “likelihood” of fraud. He added that there was strong disagreement between Office of Internal Oversight Services and the Department of Peacekeeping Operations about the methodology and quality of some parts of the report, but that nevertheless it was clear that a very serious response was required. As a first step he had placed

¹² S/2006/85, S/2006/111, S/2006/113 and S/2006/117, respectively.

eight staff members on special leave while the issues raised in the audit were looked into more fully. He said that the Secretariat had prepared proposals on management reform which would be presented in a week, and added that the whole process had also underlined the need for a stronger Office of Internal Oversight Services.¹³

The speakers were unanimous in expressing grave concern at the allegations of fraud and waste in the procurement for peacekeeping operations, as contained in the report of the Office of Internal Oversight Services. They were also in full support for the ongoing efforts to investigate those allegations and to make necessary improvements in the procurement system.

A number of speakers supported the Council’s initiative in convening such a public meeting.¹⁴ The representative of the United States in particular affirmed that the Council had a responsibility to look at the flaws of peacekeeping management, so that problems could be rectified and stronger, more effective operations could be built.¹⁵

Other speakers however questioned the appropriateness of the Council’s initiating a discussion on the issue of peacekeeping operations management and/or procurement as this represented an encroachment by the Council on the General Assembly’s powers in contradiction with Article 24 of the Charter of the United Nations.¹⁶ The representative of South Africa expressed concern that, if peacekeeping management were left to the Council, developing countries would be left out of the decision-making process. He contended that monetary contributions should not have any effect on the decision-making role of Member States, and rejected “the insinuation that developing countries might somehow be tolerant of corruption, mismanagement and fraud”.¹⁷ The representative of China also stated that matters related to the use of peacekeeping funds

¹³ S/PV.5376, pp. 2-5.

¹⁴ Ibid., p. 6 (France); p. 8 (Russian Federation, Japan); p. 10 (Peru); p. 12 (Slovakia); p. 13 (Denmark); p. 14 (Greece); p. 18 (United Kingdom); and p. 19 (United States).

¹⁵ Ibid., p. 19.

¹⁶ Ibid., p. 14 (Ghana); p. 16 (United Republic of Tanzania); p. 21 (South Africa); p. 24 (Sierra Leone); and p. 25 (Malaysia).

¹⁷ Ibid., pp. 21-22.

and procurement management should be discussed by the General Assembly.¹⁸

The representative of Singapore deplored the fact that the report of the Office of Internal Oversight Services had been leaked to the press, and that a senior Secretariat official had called a press conference and spoken of apparent fraud and corruption in the United Nations, bypassing the General Assembly. He also raised questions about due process in the placement on leave of some staff members and about equal treatment.¹⁹

While expressing appreciation for the work of the Office of Internal Oversight Services, the representative of Austria, speaking on behalf of the European Union, said that one should not forget that it was often under the most difficult circumstances and under enormous time pressure that the United Nations was called upon to set up peacekeeping operations.²⁰

In response, the Chef de Cabinet confirmed that he had requested a senior official to speak to the press following the leak of the report. As for the concern expressed by the representative of Singapore that a senior official in charge of management had been treated differently from those who had been suspended, he noted that this was inaccurate because the official had not been involved in the same case. He added that he was extremely concerned that this public debate might become a “kind of showdown” between the Council and the General Assembly over their respective roles.²¹

Deliberations of 23 February 2006 (5379th meeting)

At its 5379th meeting, on 23 February 2006, the Council heard briefings by the Under-Secretary-General for Peacekeeping Operations and the Adviser to the Secretary-General on Sexual Exploitation and Abuse by United Nations Peacekeeping Personnel. In addition to all Council members, statements were made by the representatives of Austria (on behalf of the European Union), Brazil, Canada and Singapore.

The Under-Secretary-General reported on progress accomplished regarding the strategy of

preventing sexual exploitation and abuse in peacekeeping operations and enforcement of the zero-tolerance policy. He said that there had been some progress, in particular regarding the training of police and military personnel. In addition, it had been made easier for the local population to bring those breaches of conduct to the attention of the Department of Peacekeeping Operations, and many investigations had been completed, thanks to the means received from Member States. He also reported that multidisciplinary conduct and discipline teams at Headquarters and in the field had been established. He then turned to the policy of “remediation” and support to victims with the establishment of a United Nations-wide task force with that aim. He said that there was still a great deal to be done and he called on Member States not to conflate the issues of procurement procedures with financial fraud and sexual exploitation, adding that acts of serious misconduct by some should not be allowed to betray the good work of peacekeepers.²²

The Adviser to the Secretary-General said that the Secretariat and Member States were about to complete the changes called for by the Special Committee on Peacekeeping Operations.²³ He said that a difficulty for the United Nations was that often neither the host State nor the sending States were in a position to exercise their jurisdiction when there was suspected criminal conduct by civilian staff, but added that a group of legal experts was currently working on this and would submit a report to the General Assembly soon. He stated that the number of allegations currently being registered was still quite high, and that the Member States had to exert greater efforts to draw those numbers down and tackle the culture of dismissiveness.²⁴

Speakers condemned all acts of sexual abuse and exploitation and reaffirmed their support for the comprehensive strategy to eliminate sexual exploitation and abuse in peacekeeping operations and subsequent steps taken by the Secretary-General to combat those abuses. They affirmed that this would certainly contribute to re-establishing the credibility of the Organization after repeated scandals had tarnished the image of the United Nations. Speakers also, *inter alia*, called for all abuse to be resolutely punished and for the implementation of the zero-tolerance and zero-

¹⁸ *Ibid.*, p. 8.

¹⁹ *Ibid.*, pp. 22-23.

²⁰ *Ibid.*, p. 24.

²¹ *Ibid.*, pp. 26-27.

²² See S/PV.5379, pp. 2-6.

²³ See above, under the 5191st meeting.

²⁴ S/PV.5379, pp. 6-8.

complacency policy; reaffirmed that peacekeeping operations were the most effective means to deal with conflict situations and were primarily composed of dedicated and professional men and women; stressed the need to expand protection and assistance to victims and welcomed the bold and comprehensive United Nations policy in this regard; called for a comprehensive and system-wide approach to the issue of sexual abuse with all United Nations agencies present on the ground involved; welcomed progress made in the training of personnel and reaffirmed the need for the highest standards of discipline and conduct, as prevention was the best tool for avoiding crime; also welcomed progress in establishing a professional and independent investigative capacity in the Office of Internal Oversight Services; and called for a complete commitment on the part of Member States to tackle this issue.

Some speakers also specifically urged the revision of the memorandums of understanding between troop-contributing countries and the United Nations to provide and disseminate codes of conduct that personnel must observe, and even the adoption of a model memorandum for that purpose. Other suggestions included, *inter alia*, the provision of welfare and recreational facilities for troops as a potential solution to the abuses; the establishment of a mechanism to ensure accountability with respect to the investigations conducted and the measures taken in order to make sure that silence could be broken at all levels of hierarchies; and more efforts towards gender

mainstreaming into all policies and programmes at the national and international level in line with resolution 1325 (2000).

48. Complex crises and United Nations response

Initial proceedings

Deliberations of 28 May 2004 (4980th meeting)

At its 4980th meeting, on 28 May 2004,¹ the Security Council included in its agenda the item entitled “Complex crises and United Nations response”. The Council also included in its agenda a letter dated 24 May 2004 from the representative of Pakistan.² The Council heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the President of the Economic and Social Council. All Council members made statements during the meeting.

In his briefing, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator emphasized that complex crises and their aftermath embodied not only military and security dimensions but fundamental political, economic, social and humanitarian dimensions as well, as they were longer-running crises where the very process of conflict had had a dramatic impact on societal structures, government institutions and the ability of

families and communities to support each other. He held that greater use should be made both of resolution 1296 (2000), by which the Council had requested the Secretary-General to bring to its attention situations of grave concern in respect of the protection of civilians in armed conflict, and of resolution 1366 (2001), in which the Council encouraged the Secretary-General to convey to it his assessment of potential threats to international peace and security. He added, however, that there was no point to early warnings if resources were lacking to do something in response.³

The President of the Economic and Social Council pointed to that body’s contribution to the United Nations response to countries in crisis, including recent initiatives in African countries emerging from conflict. She stressed that, in order to ensure coherence, such initiatives by the Economic and Social Council must be linked to the work of the Security Council. She was thus pleased that the two Councils were interacting in a more frequent and coherent way, as illustrated by the reference to the advisory groups of the Economic and Social Council in the statements by the President of the Security Council on issues of common concern.⁴

¹ For more information on the discussion at this meeting, see chap. XII, part III, sect. A.

² S/2004/423, transmitting a non-paper to guide the discussion.

³ S/PV.4980, pp. 2-4.

⁴ *Ibid.*, pp. 4-6.

In their statements, Council members focused on conflict prevention and early warning. The representative of Spain, echoed by the representatives of the United Kingdom and Benin, observed that, while there were many early warning systems within the United Nations, the time had come to give serious consideration to how they could be coordinated so that the information could contribute more effectively and immediately to the decision-making process.⁵ The representatives of Spain, Benin, Chile and the United Kingdom made reference to Article 99 of the Charter of the United Nations.⁶ The representatives of Spain and the United Kingdom said that the Secretary-General's intention to appoint a special adviser for the prevention of genocide would ensure that relevant information reached the highest decision-making bodies early enough.⁷

The representative of the Philippines expressed support for establishing an information exchange mechanism for early warning analysis.⁸ The representative of the United Kingdom remarked that the United Nations system might also make better use of the early warning capacities of non-governmental organizations, the private sector, regional organizations and academic institutions. In turn, despite sensitivities about including new crisis situations in its agenda, the Council, in his view, should invite briefings on complex crises not already under consideration where appropriate, a tool provided for under resolution 1366 (2001).⁹

The representative of China called on the Council to formulate an integrated preventive strategy suited to the characteristics of complex crises.¹⁰ Stressing that, whenever peacekeeping was needed, conflict prevention had been needed before, the representative of Brazil suggested that the Council might eventually establish "conflict-avoiding operations".¹¹ The representatives of Benin, France and Romania commented that greater use could also be made of

groups of friends.¹² Additionally, the representative of Benin advocated that the Council took another look at the preventive instruments already available to it, including general or targeted sanctions, commissions of inquiry, observation missions, preventive disarmament and the establishment of demilitarized zones.¹³ The representative of Brazil similarly asserted that the instrumentalities of Chapters VI, VII and VIII of the Charter should be urgently revisited.¹⁴

A number of Council members underlined the need to make greater use of existing decisions, agreements and reports in addressing complex crises.¹⁵ The representative of the Philippines advocated developing a practical road map to implement the recommendations of the Secretary-General's seminal reports on conflict prevention and post-conflict peacebuilding, and to follow up on those mechanisms that had already been identified.¹⁶

Members concurred that providing a consistent and integrated response to complex crises would require increased coordination between the Security Council, other major United Nations bodies and agencies, the High Commissioners for Refugees and Human Rights, the international financial institutions and the International Court of Justice. Many members pointed to the growing cooperation between the Economic and Social Council and the Security Council as an example of what could be accomplished through joint efforts, and noted in particular the contribution being made by the ad hoc advisory groups on Burundi and Guinea-Bissau.

⁵ Ibid., pp. 6-8 (Spain); pp. 12-14 (Benin); and pp. 23-25 (United Kingdom).

⁶ Ibid., p. 7 (Spain); p. 13 (Benin); p. 18 (Chile); and p. 24 (United Kingdom).

⁷ Ibid., pp. 6-8 (Spain); and pp. 23-25 (United Kingdom).

⁸ Ibid., pp. 14-16.

⁹ Ibid., pp. 23-25.

¹⁰ Ibid., pp. 8-9.

¹¹ Ibid., pp. 9-11 (Brazil); and pp. 28-30 (Pakistan).

¹² Ibid., pp. 12-14 (Benin); pp. 16-17 (France); and pp. 27-28 (Romania).

¹³ Ibid., pp. 12-14.

¹⁴ Ibid., pp. 9-11.

¹⁵ The documents referred to included the report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809); the report of the Secretary-General on the prevention of armed conflict (S/2001/574 and Corr.1); the framework for cooperation in peacebuilding (S/2001/138, annex I); Security Council resolution 1366 (2001); S/PRST/2003/5; the Millennium Declaration (General Assembly resolution 55/2); An Agenda for Peace (A/47/277-S/24111) and the Supplement to an Agenda for Peace (A/50/60-S/1995/1); the Action Agenda on the Prevention of Violent Conflict adopted in Dublin in April 2004; and the European Security Strategy of December 2003.

¹⁶ S/PV.4980, pp. 14-16.

To improve the synergy within the United Nations system, the representative of France suggested that the Special Representatives of the Secretary General might be involved at an earlier stage of the planning for peacekeeping missions, together with those in charge of humanitarian action and development. He further recommended that the Secretariat, United Nations agencies and international financial institutions define a framework that could then be applied according to specific situations, and added that broadly devised political and administrative follow-up mechanisms would also be critical.¹⁷ The representative of Brazil encouraged the General Assembly to play a larger role in considering the general principles of cooperation in the maintenance of international peace and security, in drawing the attention of the Security Council to situations likely to endanger peace and security, and in promoting political cooperation, and he urged that appropriate recommendations be made to that effect. He further called for an updating of the working methods of the General Assembly and its revitalization through greater use of Articles 10, 11 and 13 of the Charter.¹⁸ The representatives of Spain and the United Kingdom advocated greater use of Article 65 of the Charter, whereby the Economic and Social Council may furnish information to, and assist, the Security Council upon its request.¹⁹ The representative of Pakistan indicated that he would be circulating a non-paper outlining his earlier proposal for ad hoc composite committees of the three principal United Nations organs.²⁰

Council members were virtually unanimous in stressing the indissoluble link between development and the resolution of complex crises. Contending that economic reconstruction had not been stressed enough

in Security Council resolutions, the representative of Algeria called for development to be made as integral a part of United Nations missions as humanitarian and human rights dimensions had become.²¹ Noting that there was no universally applicable formula for addressing complex crises, members emphasized that any solution must be tailored to local conditions, varying cultures and historical backgrounds. The representative of China stressed that the will of the people concerned should be respected and their views fully sought.²² The representatives of the United States and Germany similarly held that the potential contribution to be made by civil society and national Governments affected should not be underestimated, but rather their capacity for response should be strengthened.²³

Most speakers referred to the contribution to be made by regional organizations in responding to complex crises, the representative of Brazil opining that, because such organizations were closer to the source of conflict, they were in a better position than the United Nations to detect the early symptoms of conflict and act promptly.²⁴ The representative of China urged the Security Council to seek the views of regional organizations on a wider basis and to share information with them, and further suggested that the special envoys of the Secretary-General and the African Union and other regional organizations should undertake joint good offices and mediation efforts.²⁵ A number of speakers stated that regional organizations should be given sufficient financial assistance to enhance their capacities for early warning and peacekeeping.

¹⁷ Ibid., pp. 16-17.

¹⁸ Ibid., pp. 9-11.

¹⁹ Ibid., pp. 6-8 (Spain); and pp. 23-25 (United Kingdom).

²⁰ Ibid., pp. 28-30.

²¹ Ibid., pp. 11-12.

²² Ibid., pp. 8-9.

²³ Ibid., pp. 21-23 (United States); and pp. 25-27 (Germany).

²⁴ Ibid., pp. 9-11.

²⁵ Ibid., pp. 8-9.

49. Items relating to the role of regional and subregional organizations in the maintenance of international peace and security

A. Cooperation between the United Nations and regional organizations in stabilization processes

Initial proceedings

Decision of 20 July 2004 (5007th meeting): statement by the President

At its 5007th meeting, on 20 July 2004,¹ the Security Council held a thematic debate on the item entitled "Cooperation between the United Nations and regional organizations in stabilization processes", presided over by the Prime Minister and Minister for Foreign Minister of Romania. All Council members made statements, as did the representatives of Mexico and the Netherlands, the Secretary-General, the Commissioner for Peace, Security and Political Affairs of the African Union, the Deputy Director-General of European Security and Defence Policy of the European Union, the Secretary-General of the League of Arab States, the Chairperson of the Standing Committee of the Association of Southeast Asian Nations (ASEAN), the Deputy Assistant Secretary-General for Political Affairs of the North Atlantic Treaty Organization (NATO), the Deputy Executive Secretary of the Commonwealth of Independent States (CIS), the Permanent Observer of the Organization of the Islamic Conference, the Minister for Foreign Affairs of Bulgaria and Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the representative of the Chair of the African Union and the representative of the Chair of the Economic Community of West African States (ECOWAS).

The President (Romania) drew attention to a letter dated 8 July 2004 transmitting a non-paper prepared by the presidency to help guide the discussion. The focus was primarily on the enhancement of cooperation between the United Nations and regional organizations in stabilization processes.²

¹ For more information on the discussion of this meeting, see chap. XIII, part III, sect. A.

² S/2004/546.

The Secretary-General reaffirmed the need to create a network of effective and mutually reinforcing regional and global mechanisms that would be both flexible and responsive to current peace and security challenges. He noted that the United Nations currently was cooperating with regional organizations in stabilization processes in a number of countries, because regional organizations were swifter to deploy on the ground than the United Nations. However, since not all regional organizations could sustain their deployments over a long period, United Nations operations were often needed for longer-term sustainability. While enhancing cooperation, one had to consider more thoroughly the comparative strengths of different organizations and start creating strategic partnerships. He advocated a shift from ad hoc cooperation towards more institutionalized channels.³

The Minister for Foreign Affairs of Mexico underlined the growing importance of regional organizations as United Nations partners in the prevention, management and settlement of conflicts, as well as in peacebuilding and stabilization processes. He believed that, based on complementarity, more rational and effective use of the comparative advantages of each organization could be made. He suggested that the Council, when renewing peacekeeping operation mandates, include elements that promoted long-term stability. He urged the identification of innovative forms of cooperation with the United Nations.⁴

The representatives of regional organizations, in their statements, focused on the regional efforts of their respective organizations, their cooperation with the United Nations system, as well as prospects for future collaboration.

Speakers unanimously affirmed the need to reinforce the collaboration between the United Nations and regional organizations, as well as build strategic partnerships. Most speakers were also of the view that the international security framework as defined in the Charter of the United Nations should be adapted to better address new challenges, such as internal

³ S/PV.5007, pp. 3-4.

⁴ *Ibid.*, pp. 5-6.

conflicts, the existence of “failed States”, terrorism, the spread of weapons of mass destruction, the trafficking in small arms and organized crime. Many specifically recognized that, in this context, regional organizations were increasingly becoming partners to the United Nations because of the need to adopt a regional approach to crises.⁵ The representative of France noted that, given the growing needs in peacekeeping, regional organizations had a pivotal role to play in backing the United Nations.⁶ This was echoed by the representative of Chile, who said that the increase in demands related to peacekeeping had exceeded the capacity of the United Nations, and added that association and cooperation with regional organizations were one way of enhancing the legitimacy of actions to maintain peace and security.⁷

While supporting the need for stronger partnership, however, several speakers called for a flexible and pragmatic approach to regional cooperation as regional arrangements had various configurations.⁸ The representative of Germany stated that the division of labour could only be successful if the following conditions were met: all relevant actors were involved, one actor took the lead in integrated planning and coordinated implementation, and funding problems were resolved.⁹

While reaffirming the prominent role provided to regional organizations in Chapter VIII of the Charter, many speakers insisted on the principle of complementarity with respect to the relationship between regional organizations and the Security Council.¹⁰ Others emphasized the principle of subsidiarity — namely, that regional organizations were expected to react to a regional conflict first and that United Nations peacekeeping operations would be deployed only in the face of an increased threat that

could not be dealt with through regional mobilization alone.¹¹ The representative of France stated that it was “certainly not desirable” for the United Nations to always be called on to come to the rescue.¹²

Several speakers emphasized that the prerogatives of the Council should be preserved and the division of labour rationalized, as the Council remained the chief forum for international conflict management.¹³ The representative of Benin, echoed by a few others, stressed the relevance of the principle enshrined in Article 53 of the Charter that Council authorization was a prerequisite to enforcement action by regional organizations. He however added that a strategy for more effective interaction should be established on the basis of the comparative advantage that regional organizations could offer in view of their capacity to intervene more rapidly in threatening situations.¹⁴ This was supported by several speakers.¹⁵ The representative of the United States added that although a regional troop contributor might share a common understanding with the host country, it might also have its own agenda. He urged caution in this regard, given the goal of long-term regional peace and stability.¹⁶

A large number of speakers urged more periodic dialogue between the United Nations and regional organizations with the aim of strengthening the relationship and welcomed the practice of high-level meetings of the Secretariat with heads of regional organizations.¹⁷ The representative of China also recalled that regional organizations were required

⁵ Ibid., p. 5 (Mexico); p. 10 (Benin); p. 13 (China); p. 14 (League of Arab States); p. 22 (Algeria); S/PV.5007 (Resumption 1), p. 5 (Angola); p. 10 (France); and p. 16 (Romania).

⁶ S/PV.5007 (Resumption 1), p. 10.

⁷ S/PV.5007, p. 8.

⁸ Ibid., pp. 25-26 (NATO); p. 26 (Pakistan); p. 32 (Spain); S/PV.5007 (Resumption 1), p. 11 (France); and p. 14 (United Kingdom).

⁹ S/PV.5007, p. 17.

¹⁰ Ibid., p. 5 (Mexico); p. 7 (African Union Commissioner); p. 8 (Chile); p. 10 (Benin); p. 17 (Germany); p. 21 (Brazil); p. 22 (Algeria); p. 27 (Pakistan); p. 31 (Spain); S/PV.5007 (Resumption 1), p. 6 (Angola); p. 12 (African Union Chair); and p. 13 (United Kingdom).

¹¹ S/PV.5007, p. 7 (African Union Commissioner); p. 9 (Chile); p. 10 (Benin); and p. 23 (Algeria).

¹² S/PV.5007 (Resumption 1), p. 10.

¹³ S/PV.5007, p. 18 (Russian Federation); p. 22 (Algeria); p. 27 (Pakistan); p. 31 (Spain); S/PV.5007 (Resumption 1), p. 10 (France); p. 14 (United Kingdom); and p. 15 (Romania).

¹⁴ S/PV.5007, p. 10 (Benin); p. 13 (China); p. 21 (Brazil); and p. 27 (Pakistan).

¹⁵ Ibid., p. 7 (African Union Commissioner); p. 9 (Chile); p. 13 (China); p. 17 (Germany); p. 20 (ASEAN); p. 21 (Brazil); p. 23 (Algeria); p. 31 (Spain); S/PV.5007 (Resumption 1), p. 5 (United States); p. 6 (Angola); and p. 13 (United Kingdom).

¹⁶ S/PV.5007 (Resumption 1), p. 5.

¹⁷ S/PV.5007, p. 6 (Mexico); p. 7 (African Union Commissioner); p. 12 (European Union); p. 13 (China); p. 17 (Germany); p. 23 (Algeria); p. 25 (NATO); p. 28 (Philippines); p. 31 (Spain); p. 34 (OSCE); S/PV.5007 (Resumption 1), p. 11 (France); and p. 17 (Romania).

under the Charter to maintain close contact with the Security Council on their initiatives and actions.¹⁸

Several speakers said that the United Nations should provide logistical and financial support as well as personnel and training to regional organizations.¹⁹ The representative of the United States also urged the provision of rapid response capabilities.²⁰ This was echoed by the representative of ECOWAS, who added that his organization's policy on conflict resolution and management was actually geared towards creating rapid response and sustained peacekeeping capabilities.²¹

A number of speakers made specific recommendations. The representative of Chile encouraged the incorporation of the vision of regional organizations into Security Council debates relating to Chapter VI and Chapter VII of the Charter. He also urged the Secretariat to support and coordinate the activities of regional organizations, including coordination and facilitation of resources from international financial bodies to enhance response capacity at the regional level.²²

The representative of the European Union specifically asked to whether the assistance of the European Union in force generation or bridging operations in support of United Nations operations would come at the expense of traditional contributions by European Union members to United Nations-led operations. He further noted that, with stagnant defence budgets, the number of deployable police and military troops under United Nations command was too limited given the increasing demand. However, if there was political will, this could be overcome.²³

At the end of the meeting, the President made a statement on behalf of the Council,²⁴ by which the Council, *inter alia*:

Acknowledged the important role that could be played by regional organizations in the prevention, resolution and

management of conflicts, including by addressing their root causes;

[Noted that Member States and heads of regional organizations] stressed their interest in enhancing cooperation between the United Nations and regional organizations in the maintenance of international peace and security, and considered that regular dialogue on specific issues between the Council and regional organizations would bring significant added value;

Invited the Secretary-General to give consideration to the relevant views expressed in the debate preparation of the next high-level meeting;

Invited regional organizations to take the necessary steps to increase collaboration with the United Nations in order to maximize efficiency in stabilization processes;

Also invited all Members of the United Nations to contribute to the strengthening of the capacity of regional and subregional organizations.

B. Cooperation between the United Nations and regional organizations in maintaining international peace and security

Initial proceedings

Decision of 17 October 2005 (5282nd meeting): resolution 1631 (2005)

At its 5282nd meeting, on 17 October 2005,²⁵ the Security Council held a thematic debate on "Cooperation between the United Nations and regional organizations in maintaining international peace and security" and included in its agenda a letter from the representative of Romania, transmitting a discussion paper prepared by the presidency for the debate.²⁶ The paper noted that the purpose of the debate was to find ways to enhance the relationship of the United Nations with regional organizations in the maintenance of international peace and security, in particular in conflict management and post-conflict stabilization, and identified key discussion points to be addressed.

At the meeting, chaired by the Minister for Foreign Affairs of Romania, all Council members made statements, in addition to the Secretary-General, the Acting Executive Secretary and representative of the

¹⁸ S/PV.5007, p. 13.

¹⁹ *Ibid.*, p. 14 (China); p. 30 (CIS); S/PV.5007 (Resumption 1), p. 4 (United States); p. 8 (ECOWAS) and p. 13 (African Union Chair).

²⁰ S/PV.5007 (Resumption 1), p. 4.

²¹ *Ibid.*, p. 8.

²² S/PV.5007, p. 9.

²³ *Ibid.*, pp. 12-13.

²⁴ S/PRST/2004/27.

²⁵ For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

²⁶ S/2005/638.

Chairperson of the African Union Commission, the Chairman of the New York Committee of the Association of Southeast Asian Nations, the Deputy Chairman of the Executive Committee of the Commonwealth of Independent States, the Secretary-General of the Council of Europe, the representative of the Secretary-General of the League of Arab States, the Assistant Secretary-General for Political Affairs and Security Policy of the North Atlantic Treaty Organization, the Assistant Secretary-General of the Organization of American States and the Secretary-General of the Organization for Security and Cooperation in Europe. The representative of Greece made a statement on behalf of the Chairman-in-Office of the South-East European Cooperation Process.

The President (Romania), speaking in his national capacity, said that his country had taken up the issue of cooperation with regional organizations because the regional dimension was a hallmark of its long-standing foreign policy. He expressed his country's conviction that the right degree of "complementarity" and "subsidiarity" between the United Nations and regional action could generate a pool of resources assigned to peace and security.²⁷

The Secretary-General emphasized the dramatic growth in the range and types of partnerships between regional organizations and the United Nations, in the peacekeeping and peacemaking fields, such as the transition from regional to United Nations peacekeeping operations, the provision of support to United Nations operations, the coordination of separate missions side by side and the provision of United Nations support to operations of regional organizations.²⁸

Most speakers agreed that cooperation with regional organizations should be strengthened, including through a closer working partnership with the Security Council and through a more structured approach in the areas of democracy, development, security, conflict prevention and peacebuilding. They also favoured the strengthening of institutional cooperation and information-sharing. Most speakers welcomed the creation of the Peacebuilding Commission, the 2005 World Summit Outcome and the sixth high-level meeting of the United Nations and

regional organizations as positive steps towards increased cooperation.

Representatives of regional organizations elaborated on their respective activities in connection with their relationship with the United Nations, and highlighted their comparative advantages for maintaining regional peace and security. The existence of these unique advantages for regional organizations in dealing with regional issues and for identifying the root causes of conflicts were recognized by many speakers.²⁹ The representative of Brazil added that regional organizations were also key players in involving civil society in peacebuilding.³⁰

A number of suggestions were made regarding the need to reinforce the partnership between the United Nations and regional organizations. Some speakers proposed the establishment of a framework agreement with the United Nations.³¹ The representative of OAS suggested that the Security Council should consider inviting regional organizations on an annual basis to present key findings from their respective peacebuilding and post-conflict initiatives.³² The representatives of CIS and Greece urged closer cooperation in the political and military spheres as these areas were brought into play in the peacekeeping and stabilization processes.³³ The representative of Japan, echoed by others, welcomed the increased involvement of regional organizations in the work of the Security Council, such as briefings by regional organizations to the Security Council on their activities and the holding of meetings with regional organizations during the Security Council's mission to the field; and called for a stronger role of regional organizations in peacekeeping missions through the development of rapid deployment capacities.³⁴ The representative of the Philippines suggested that the United Nations enhance its support to regional

²⁷ S/PV.5282, pp. 2-4.

²⁸ *Ibid.*, pp. 4-5.

²⁹ *Ibid.*, p. 11 (China); p. 13 (Algeria); p. 19 (United Republic of Tanzania); p. 22 (United Kingdom, on behalf of the European Union); p. 27 (Brazil); S/PV.5282 (Resumption 1), p. 2 (Greece); p. 3 (Argentina); and p. 4 (United States).

³⁰ S/PV.5282, p. 28.

³¹ *Ibid.*, p. 7 (OSCE); p. 15 (Council of Europe); and S/PV.5282 (Resumption 1), p. 3 (Argentina).

³² S/PV.5282, p. 8.

³³ S/PV.5282, p. 17; and S/PV.5282 (Resumption 1), p. 2, respectively.

³⁴ S/PV.5282, pp. 20-21 (Japan); p. 23 (European Union); p. 30 (France); and p. 31 (League of Arab States).

seminars on peacebuilding and conflict prevention.³⁵ The representative of the United Kingdom, and some other speakers, advocated the sharing of early warning information by the United Nations and regional organizations.³⁶

The representative of Brazil warned against overstressing the limited resources of some of the regional organizations and said that, in strengthening cooperation with them, one should be mindful of their respective competences.³⁷ The representative of Algeria deplored the insufficient resources and sometimes lack of political will on the part of Member States in helping regional organizations to build their own capacity for intervention.³⁸ This was echoed by the representative of the United Republic of Tanzania, who called on the United Nations to support standby arrangements,³⁹ and the representatives of the European Union and Benin, who urged capacity-building for regional organizations.⁴⁰ The representative of China, echoed by the representatives of Denmark and Japan, pointed out that more attention was needed for Africa, as many issues on the Council's agenda related to that continent.⁴¹

The issue of improving cooperation through the development of a mechanism for coordination in stabilization processes and post-conflict peacebuilding was also raised.⁴² Some speakers called for a flexible approach to cooperation between the two sides as regional situations varied greatly.⁴³ Some speakers reaffirmed that the Security Council remained at the heart of the international machinery for collective security and that the Council had the prerogative to

sanction the use of force by the international community.⁴⁴

At the end of the debate, the Council unanimously adopted resolution 1631 (2005), by which it, *inter alia*:

Expressed its determination to take appropriate steps for the further development of cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security;

Urged all States and relevant international organizations to contribute to strengthening the capacity of regional and subregional organizations, in particular of African regional and subregional organizations;

Stressed the importance for the United Nations of developing the ability of regional and subregional organizations to deploy peacekeeping forces rapidly in support of United Nations peacekeeping operations or other operations mandated by the Security Council;

Stressed the potential role of regional and subregional organizations in addressing the illicit trade in small arms and light weapons;

Reiterated the need to encourage regional cooperation;

Welcomed the efforts undertaken by its subsidiary bodies with responsibilities in counter-terrorism to foster cooperation with regional and subregional organizations;

Expressed its intention to hold regular meetings, as appropriate, with heads of regional and subregional organizations in order to strengthen the interaction and cooperation with those organizations in maintaining international peace and security;

Recommended better communication between the United Nations and regional and subregional organizations;

Reiterated the obligation for regional organizations, under Article 54 of the Charter, to keep the Council fully informed of their activities for the maintenance of international peace and security;

Invited the Secretary-General to submit a report to the Council on the opportunities and challenges facing the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security;

Requested the Secretary-General to include, in his regular reporting to the Council on peacekeeping and peacebuilding operations, assessments of progress on the cooperation between the United Nations and regional and subregional organizations.

³⁵ *Ibid.*, p. 29.

³⁶ *Ibid.*, p. 22 (United Kingdom, on behalf of the European Union); p. 29 (Philippines); p. 30 (France); p. 31 (League of Arab States); S/PV.5282 (Resumption 1), p. 3 (Argentina); and p. 6 (Benin).

³⁷ S/PV.5282, p. 27.

³⁸ *Ibid.*, p. 13.

³⁹ *Ibid.*, p. 19.

⁴⁰ *Ibid.*, p. 23; and S/PV.5282 (Resumption 1), p. 6.

⁴¹ S/PV.5282, p. 12 (China); p. 13 (Denmark); and p. 20 (Japan).

⁴² *Ibid.*, p. 10 (African Union Commission); p. 13 (Algeria); and p. 16 (CIS).

⁴³ *Ibid.*, p. 12 (China); p. 28 (Philippines); and p. 31 (France).

⁴⁴ *Ibid.*, p. 11 (China); p. 18 (Russian Federation); p. 22 (European Union); and p. 28 (Brazil).

**Decision of 20 September 2006 (5529th
meeting): statement by the President**

At its 5529th meeting, on 20 September 2006,⁴⁵ the Council held a thematic debate at the ministerial level on cooperation between the United Nations and regional organizations in maintaining international peace and security. All Council members made statements, in addition to the Secretary-General, the representative of the presidency of the European Union, the Secretary-General of the Organization of American States, the Chairman of the New York Committee of the Association of Southeast Asian Nations, the Secretary-General of the League of Arab States, the Chairman-in-Office of the Organization for Security and Cooperation in Europe, the Chairman of the Executive Committee of the Commonwealth of Independent States, the Secretary-General of the Organization of the Islamic Conference, the Secretary-General of the North Atlantic Treaty Organization, the Secretary-General of the Collective Security Treaty Organization and the Secretary-General of the Council of Europe.⁴⁶

The meeting was presided over by the Minister for Foreign Affairs of Greece, who drew attention to the report of the Secretary-General dated 28 July 2006 on a regional-global security partnership: challenges and opportunities.⁴⁷ In the report, the Secretary-General made a number of recommendations to strengthen cooperation between the United Nations and regional and other intergovernmental organizations in the fields of conflict prevention, peacemaking, peacekeeping, peacebuilding, disarmament and non-proliferation. On the nature of the overall partnership between the United Nations and regional organizations, the Secretary-General suggested that, as an initial step, partner organizations should consider entering into agreements on a general statement of principles as this could provide a guiding mechanism for future collaboration with and between all signatories and the United Nations.

The President also drew attention to a letter dated 6 September 2006 from the representative of Greece,

transmitting a background paper prepared by the presidency to help guide the discussion.⁴⁸ The paper suggested discussion points, including the identification of partner organizations — regional organizations acting under Chapter VIII of the Charter and intergovernmental organizations acting under other provisions of the Charter, as well as Council assistance to operations of regional organizations.

Speaking in his national capacity, the President of the Council welcomed the opportunity to discuss developments that took place since the adoption of resolution 1631 (2005) and the vision of creating a regional-global security mechanism. He said that greater involvement by international organizations in conflict prevention and management was required and that this could increase the legitimacy of the Council itself. Finally, he highlighted the need to clarify the membership and the mandate of regional and other organizations to ensure a clearer collective effort.⁴⁹

The Secretary-General specifically stressed the need for further cooperation between the Security Council and regional organizations. He noted several recent positive developments such as the six high-level meetings with heads of partner organizations and noted that this could pave the way for a stronger partnership. He also noted the increased emphasis on prevention and mediation and welcomed the tangible results on the ground that the involvement of regional organizations in the maintenance of international peace and security had achieved. He affirmed that the regional-global partnership needed to reach a new level of clarity, practicality and seriousness.⁵⁰

All speakers recognized the need to consolidate a collective approach to peace and security issues. Most of them stressed that further involvement of African organizations in peace efforts was necessary. Many speakers shared the view that regional and subregional organizations were better placed to determine the best way of dealing with conflicts in their own regions.⁵¹ Several speakers insisted on the need to encourage regional ownership in conflict management and post-conflict processes.⁵² The representative of Qatar also

⁴⁵ For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

⁴⁶ The Minister for Foreign Affairs of Romania was invited to participate; see S/2006/757 for his statement.

⁴⁷ S/2006/590.

⁴⁸ S/2006/719.

⁴⁹ S/PV.5529, pp. 2-3.

⁵⁰ *Ibid.*, p. 5.

⁵¹ *Ibid.*, p. 5 (Qatar); p. 9 (France); p. 11 (Argentina); p. 12 (Russian Federation); and p. 19 (Japan).

⁵² *Ibid.*, p. 20 (Japan); p. 23 (Presidency of the European Union); and p. 33 (NATO).

noted that the interaction between the United Nations and regional organizations could even strengthen the role played by organizations in a regional context.⁵³

While recognizing that the United Nations and regional organizations had comparative advantages and unique characteristics in the areas of confidence-building, conflict prevention, crisis management and peacekeeping, many speakers urged that the partnership be based on complementarity as opposed to duplication of efforts.⁵⁴ The representative of Denmark specifically called for a practical division of labour between organizations involved in different issues.⁵⁵ While affirming that conflict prevention remained the prerogative of Member States, the representative of the Congo also welcomed the establishment of conflict prevention centres by the African Union, OSCE and the European Union.⁵⁶ Some speakers focused on the important role that regional organizations played in combating terrorism, the proliferation of weapons of mass destruction and transnational crime.⁵⁷ The representative of Slovakia in particular deemed very important the cooperation of regional organizations in helping States to implement national legislation in line with resolution 1540 (2004).⁵⁸

Many speakers called for a results-based and flexible cooperation that would not remain confined to a particular mechanism as organizations were different from one another.⁵⁹ In order to determine the comparative advantages of the organizations, the representative of ASEAN suggested the conduct of a region-to-region study.⁶⁰

Another focus of the discussion was the issue of capacity-building for regional organizations. Many speakers concurred that enhancing capacity at the regional level was a good way to end or prevent

conflicts, particularly in the field of regional peacekeeping.⁶¹ In this context, the representative of the Congo, speaking on behalf of the Chairman of the African Union, recalled that in order to strengthen its capacity for intervention through standby arrangements, the African Union had called for the establishment of five brigades of 3,500 to 5,000 men by the year 2010. He expressed the hope that the international community would support that initiative.⁶² The representative of Ghana, however, expressed concern at existing weaknesses in the planning and management capabilities and at inadequate financial resources that were plaguing regionally-led peacekeeping operations.⁶³

While speakers were unanimous in their call to reinforce the partnership, the representative of China, echoed by the representative of the Collective Security Treaty Organization, held that the basic principle underlying this partnership should be to ensure that the Security Council played a leading role.⁶⁴ Others recalled that interventions by regional organizations in conflicts must be done under the legitimate authority of the Security Council.⁶⁵ The representative of the United Republic of Tanzania also affirmed that it was the Security Council's prerogative to advance the cooperation with regional organizations to a higher level.⁶⁶

The representative of Ghana expressed concern at the recent lack of cooperation by a few members of the African Union with the United Nations. He called for an end of the restrictions placed on the work of the United Nations Mission in Ethiopia and Eritrea and for the rapid deployment of a United Nations presence in Darfur as, he added, regional entities "have an obligation to strengthen the hand of the United Nations in peacekeeping" by ensuring that international peace efforts are not obstructed.⁶⁷ For his part, the representative of OIC said that it was necessary to move away from the "mono-dimensional" approach to

⁵³ Ibid., p. 5.

⁵⁴ Ibid., p. 6 (China); p. 7 (Slovakia); p. 9 (France); p. 11 (Argentina); p. 12 (Russian Federation); p. 17 (Congo, on behalf of the Chairman of the African Union); p. 32 (NATO); and p. 33 (Collective Security Treaty Organization).

⁵⁵ Ibid., p. 10.

⁵⁶ Ibid., p. 17.

⁵⁷ Ibid., p. 7 (Slovakia); p. 10 (Denmark); pp. 12-13 (Russian Federation); p. 19 (United States); p. 26 (ASEAN); p. 29 (OSCE); and p. 30 (CIS).

⁵⁸ Ibid., p. 7.

⁵⁹ Ibid., p. 5 (Qatar); p. 6 (China); p. 9 (France); p. 23 (European Union); and p. 35 (Council of Europe).

⁶⁰ Ibid., p. 27.

⁶¹ Ibid., p. 6 (China), p. 8 (Slovakia); p. 9 (France); p. 13 (Peru); p. 15 (United Republic of Tanzania); p. 16 (United Kingdom); p. 19 (Japan); p. 21 (Ghana); p. 27 (League of Arab States); and p. 33 (Collective Security Treaty Organization).

⁶² Ibid., p. 18.

⁶³ Ibid., p. 22.

⁶⁴ Ibid., p. 6 and p. 33, respectively.

⁶⁵ Ibid., p. 11 (Argentina); and p. 12 (Russian Federation).

⁶⁶ Ibid., p. 14.

⁶⁷ Ibid., p. 21.

tackling crises, looking solely at the security element, and instead concentrate on root causes of conflicts such as political grievances.⁶⁸

Many speakers called for more systematic interaction between regional organizations and the Security Council.⁶⁹ While the representative of the Russian Federation believed that it was urgent to hold regular meetings of the Secretary-General and the leaders of regional organizations,⁷⁰ the representative of the United Republic of Tanzania, echoed by others, suggested an institutionalized approach to allow for more substantive and regularized cooperation.⁷¹ By contrast, the representative of the United States believed that increased cooperation between the Security Council, the Secretariat and regional organizations should remain informal so as not to “detract from the important relationship among the Member States within the United Nations”, and feared that an institutionalized cooperation could limit the United Nations ability in a time of crisis.⁷² Similarly, the representative of the European Union considered that flexibility, pragmatism and light structures should define the cooperation.⁷³

The representative of Argentina contended that organizations needed to define themselves in terms of the Charter provisions under which they operated.⁷⁴ The representative of the Congo noted that only after determining the nature and capacity for action of regional organizations would it be possible to define their operational scope of action. He then suggested that international, regional and subregional organizations be asked to conclude a formal agreement with the Secretary-General on their cooperation with the United Nations.⁷⁵ The representative of the Council of Europe warned however against attempts to categorize organizations that could not be categorized.⁷⁶

At the end of the debate, the President of the Council issued a statement on behalf of the Council,⁷⁷ by which the Council, *inter alia*:

Recalled its previous relevant resolutions and the statements by its President on cooperation with regional and subregional organizations and its three previous meetings on the subject, held on 11 April 2003 under the presidency of Mexico and on 20 July 2004 and 17 October 2005 under the presidency of Romania;

Stressed the benefits of closer cooperation with regional and subregional organizations in the maintenance of international peace and security, including the brokering of peace agreements in conflict situations; in this regard, it had agreed, in the recently adopted note by the President,⁷⁸ to expand consultation and cooperation with regional and subregional organizations by inviting relevant regional and subregional organizations to participate in the public and private meetings of the Council, when appropriate; continuing to consult informally with regional and subregional organizations when drafting resolutions, presidential statements and press statements; and by drawing the attention of representatives of regional and subregional organizations to relevant resolutions, presidential statements and press statements;

Encouraged regional and subregional organizations to convey their perspectives and analysis to the Council prior to its examination of regionally relevant agenda items;

Invited the Secretariat and regional and subregional organizations to explore further information-sharing on respective capabilities and lessons learned in peacekeeping by expanding the scope of the website of the Peacekeeping Best Practices Section of the Department of Peacekeeping Operations to cover the deployment experiences of all regional and subregional organizations and all experiences of cooperation in peacekeeping between the United Nations and those organizations;

Urged the Secretariat and United Nations agencies, as well as all States and other relevant international organizations, to continue their efforts to contribute to the capacity-building of regional and subregional organizations, in particular of the African Union and African subregional organizations;

[Stated that it] intended to consider further steps to promote closer and more operational cooperation between the United Nations and regional, subregional and other intergovernmental organizations participating in the high-level meetings convened by the Secretary-General, in particular in the field of conflict prevention, peacebuilding and peacekeeping.

⁶⁸ *Ibid.*, p. 31.

⁶⁹ *Ibid.*, p. 8 (Slovakia); p. 9 (France); p. 12 (Russian Federation); p. 17 (Congo, on behalf of the Chairman of the African Union); and p. 20 (Japan).

⁷⁰ *Ibid.*, p. 13.

⁷¹ *Ibid.*, p. 15 (United Republic of Tanzania); and p. 25 (OAS).

⁷² *Ibid.*, p. 19.

⁷³ *Ibid.*, p. 23.

⁷⁴ *Ibid.*, p. 11.

⁷⁵ *Ibid.*, p. 18.

⁷⁶ *Ibid.*, p. 35.

⁷⁷ S/PRST/2006/39.

⁷⁸ S/2006/507

C. Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

Initial proceedings

Decision of 28 March 2007 (5649th meeting): statement by the President

At its 5649th meeting, on 28 March 2007,⁷⁹ presided over by the Minister for Foreign Affairs of South Africa, the Security Council held a thematic debate on the item entitled “Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security”. The Council first heard briefings by the Assistant Secretary-General for Peacekeeping Operations and the Commissioner for Peace and Security of the African Union. In addition to all Council members, statements were made by the representatives of Algeria, Australia, Benin, Burkina Faso, Egypt, Germany (on behalf of the European Union), Japan, Liberia, the Libyan Arab Jamahiriya, Namibia, Norway, Rwanda, the Sudan, Uganda, the United Republic of Tanzania, Uruguay and Viet Nam, the Permanent Observer of the League of Arab States and the Permanent Observer of the Organization of the Islamic Conference.

The President (South Africa) drew attention to a letter dated 14 March 2007 from the representative of South Africa,⁸⁰ transmitting a concept paper for the open debate. The paper recognized that regional organizations must play an important role in the maintenance of international peace and security, and that the relationship between the Security Council and the African Union Peace and Security Council needed to be strengthened. It also noted that the African Union had initiated its own missions in Burundi, Darfur and Somalia, as United Nations interventions had sometimes taken a long time to operationalize even after being authorized by the Security Council, but that further action by the African Union had been hampered by lack of resources.

Opening the debate, the Minister for Foreign Affairs of South Africa hoped that her country could contribute to better articulation and clarification of the issue of strengthening cooperation with regional organizations under Chapter VIII of the Charter, which had been reiterated at the most recent summit of the African Union and at the 2005 World Summit. She highlighted the positive synergies between the United Nations and regional organizations from ad hoc arrangements to co-deployment of peacekeeping operations. For instance, the African Union had been able to intervene in situations where rapid deployment by the United Nations was impossible, sometimes with retrospective endorsement by the Security Council. A key question to be addressed was then how the decisions of the African Union Peace and Security Council could relate to those of the Security Council as they had complementary agendas. She insisted on the need for more “predictability” and for a clearer form of “burden-sharing”.⁸¹

The Assistant Secretary-General stressed that Chapter VIII of the Charter provided clear guidance for the relationship between the United Nations and regional organizations. Affirming that the partnership with the African Union was among the most intense of all peacekeeping partnerships, he highlighted the development of a joint action plan to guide this partnership with the ultimate goal of operationalizing the African standby force by 2010. Noting the enhanced cooperation between the African Union and the United Nations in Somalia and Darfur, he believed that in the future African countries would be able to play an even greater role in peacekeeping operations and that the Security Council had a vital role to play in facilitating partnerships.⁸²

Pointing to the African Union’s request for United Nations funding for African Union peacekeeping operations, the Commissioner for Peace and Security of the Africa Union observed that the African Union had the right to intervene in its Member States. He argued that, with Security Council approval, the African Union would feel that it was acting on behalf of the international community, and stressed that ad hoc arrangements could not replace the mechanism in Chapter VIII of the Charter. He called for a revision of the rules for the United Nations peacekeeping

⁷⁹ For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to Chapter VIII, of the Charter.

⁸⁰ S/2007/148.

⁸¹ S/PV.5649, pp. 2-4.

⁸² *Ibid.*, pp. 4-6.

budgets to that end and hoped that the Security Council would establish a follow-up mechanism to pursue this question.⁸³

Most speakers welcomed the growing contributions by the African Union and the resolve of its leaders to address and solve conflicts on the African continent. The memorandum of understanding of November 2006 between the United Nations and the African Union was widely welcomed and received as a foundation for a more formal cooperation mechanism. Speakers also reiterated their support for the World Summit Outcome,⁸⁴ which recognized the important role of regional organizations in contributing to stabilizing conflict situations due to their proximity to conflict zones.

While many speakers stressed that regional arrangements would not substitute for the Council's primary responsibility for the maintenance of international peace and security,⁸⁵ the representative of the Libyan Arab Jamahiriya noted that there could be no question of eliminating the regional role so as to replace it with an international role, and insisted that the United Nations and regional organizations had a joint responsibility for maintaining peace and preventing armed conflict.⁸⁶

Speakers agreed that regional organizations could play an important role in helping the Council to fulfil this responsibility. The representative of France, in particular, noted that the Council had benefited from the efforts made by regional organizations in terms of managing crises in Africa and deploying peacekeeping forces there.⁸⁷ Most speakers underlined the need to strengthen cooperation with regional organizations in the areas of planning and management of conflict situations, including conflict prevention and peacebuilding, as well as in training, logistical support and financial assistance. While the representative of the Sudan called for an effective strategic partnership limited to the provisions of Chapter VIII,⁸⁸ the

representative of Uruguay noted that it would be difficult under Chapter VIII to maintain peacekeeping operations with contributions only by regional organizations.⁸⁹ The representative of Germany drew attention to the European Union's financial support for African Union peace operations and urged the United Nations to provide similar assistance.⁹⁰ The representative of the United States stressed that United Nations assessed contributions should only be used for United Nations-mandated operations, under the Security Council and well-established United Nations command and control mechanisms.⁹¹

Commenting on the challenges facing the United Nations and the African Union, the representative of the Congo, echoed by the representative of Ghana, stressed that more coherence was needed in joint actions in conflict prevention and resolution, arguing that the cost of prevention was far less than the cost of peacekeeping.⁹² Several speakers underlined the urgent need for more capacity-building of the African Union to deal with crisis situations like Darfur and Somalia. In this regard, many urged President Al-Bashir to extend full cooperation to the United Nations and the African Union in their joint efforts to bring lasting peace and stability to the Sudan.⁹³ The representative of the United Kingdom further noted that the Council should accelerate action on Zimbabwe, to match that of the African Union.⁹⁴ The representative of the Sudan stressed that the United Nations and the African Union needed to overcome regional technical and logistical shortcomings and that the expertise and capacities of regional organizations should be the focus of the discussion.⁹⁵

On improving the relationship between the United Nations and the African Union, many speakers encouraged the development of an institutional relationship between the Security Council and the

⁸³ Ibid., pp. 6-8.

⁸⁴ General Assembly resolution 60/1.

⁸⁵ S/PV.5649, p. 3 (South Africa); p. 13 (Indonesia); p. 17 (France, Panama); p. 20 (Italy); p. 24 (Peru); p. 25 (China); p. 29 (Sudan); and S/PV.5649 (Resumption 1), p. 4 (Uganda); p. 6 (Namibia); p. 11 (Viet Nam); p. 17 (Rwanda); and p. 20 (League of Arab States).

⁸⁶ S/PV.5649 (Resumption 1), pp. 9-10.

⁸⁷ S/PV.5649, pp. 16-17.

⁸⁸ Ibid., p. 29.

⁸⁹ S/PV.5649 (Resumption 1), p. 3.

⁹⁰ Ibid., p. 15.

⁹¹ S/PV.5649, p. 27.

⁹² Ibid., p. 9 (Congo); and p. 11 (Ghana).

⁹³ Ibid., p. 15 (Slovakia); p. 23 (United Kingdom); p. 27 (United States); and S/PV.5649 (Resumption 1), p. 2 (Norway); and p. 14 (Germany).

⁹⁴ S/PV.5649, p. 23.

⁹⁵ Ibid., p.29.

African Union Peace and Security Council.⁹⁶ While the representative of China insisted on the need for the United Nations to boost the training of personnel to ensure that African Union peace missions were able to play their unique role,⁹⁷ the representative of Namibia proposed that the United Nations and the African Union enter into an agreement that would provide for a defined time frame for the transformation of regional peacekeeping operations to United Nations missions, so as to avoid putting pressure on regional organizations to continue running such missions with limited logistical and financial resources.⁹⁸ The representative of Algeria welcomed the fact that the Security Council took into account the viewpoint and the decisions of the African Union in the decisions it must take relating to African conflicts and hoped this could continue.⁹⁹

Some speakers affirmed that, in the end, the best way to guarantee effective international action was to maintain a credible African standby force which could be deployed rapidly. They urged more efforts to ready the force by 2010.¹⁰⁰

At the end of the meeting, the President made a statement on behalf of the Council,¹⁰¹ by which the Council, *inter alia*:

Reaffirmed its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations;

Recognized the important role of regional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter, and recalled that that cooperation between the United Nations and the regional arrangements was an integral part of collective security;

Recognized that regional organizations were well positioned to understand the root causes of many conflicts closer

to home and to influence the prevention or resolution, owing to their knowledge of the region;

Urged the Secretary-General, in consultation and in cooperation with the relevant regional and subregional bodies, to resolve regional conflicts in Africa by using existing United Nations capacities as effectively as possible; to support regional early warning and mediation, in particular in Africa; to assess the risk of conflict at regional level and prioritize those areas of highest risk; and to highlight possible methods at a regional level in combating illegal exploitation and trafficking of natural resources;

Invited further collaboration with the Peace and Security Council of the African Union in order to help to build the latter's capacity to undertake, *inter alia*, rapid and appropriate responses to emerging situations and to develop effective strategies for conflict prevention, peacekeeping and peacebuilding.

D. The role of regional and subregional organizations in the maintenance of international peace and security

Initial proceedings

Decision of 6 November 2007 (5776th meeting): statement by the President

At its 5776th meeting, on 6 November 2007,¹⁰² the Security Council held an open debate on the item entitled "The role of regional and subregional organizations in the maintenance of international peace and security", presided over by the Minister for Foreign Affairs of Indonesia. In addition to all Council members, statements were made by the Secretary-General, the representatives of Angola, Argentina, Armenia, Azerbaijan, Benin, Guatemala, Guinea, Honduras, Japan, Kazakhstan, Kyrgyzstan (on behalf of the Collective Security Treaty Organization), Malaysia, Norway, the Philippines, Portugal (on behalf of the European Union), Singapore, Solomon Islands, Spain, Thailand, Uruguay and Viet Nam, the League of Arab States, the Organization of the Islamic Conference and the African Union.

The President first drew attention to a letter dated 29 October 2007 from the representative of Indonesia,¹⁰³ transmitting a concept paper on the item under consideration. The concept paper suggested that

⁹⁶ *Ibid.*, p. 10 (Congo, Ghana); p. 23 (United Kingdom); p. 27 (United States); p. 28 (Egypt); and S/PV.5649 (Resumption 1), p. 9 (Libyan Arab Jamahiriya); p. 11 (Burkina Faso); p. 13 (United Republic of Tanzania); p. 15 (Benin); p. 18 (Rwanda); and p. 21 (League of Arab States).

⁹⁷ S/PV.5649, p. 25.

⁹⁸ S/PV.5649 (Resumption 1), p. 6.

⁹⁹ *Ibid.*, p. 19.

¹⁰⁰ S/PV.5649, p. 4 (Assistant Secretary-General); p. 13 (Indonesia); p. 24 (United Kingdom); and S/PV.5649 (Resumption 1), p. 2 (Norway); p. 5 (Uganda); p. 7 (Japan); p. 12 (Burkina Faso); p. 14 (Germany); p. 16 (Benin); and p. 19 (Algeria).

¹⁰¹ S/PRST/2007/7.

¹⁰² For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

¹⁰³ S/2007/640.

the discussion focus, among other subjects, on the current capacities of the regional and subregional organizations in the fields of promotion of dialogue and confidence-building measures, norms-shaping and sharing, conflict prevention, conflict resolution, peacemaking, peacekeeping and post-conflict peacebuilding, with the aim of determining how best practices drawn from the experiences of regional organizations could be shared and made useful to resolving local conflicts.

The Secretary-General noted that partnerships between the United Nations and regional and subregional organizations were stronger than ever. Commenting on their comparative advantages, he suggested that those organizations could help the United Nations to respond to crises and provide lessons for the future. In that regard, he said that his proposals to strengthen the Departments of Political Affairs and Peacekeeping Operations would enhance the United Nations capability to work with regional organizations as well as improve the mediation capacity of the Secretariat.¹⁰⁴

Speakers unanimously agreed that stronger partnership could only be beneficial in resolving issues related to peace and security. While reaffirming that the primary responsibility for the maintenance of international peace and security rested with the Security Council, speakers believed that, because of their comparative advantages, regional organizations had a role to play in all stages of peacekeeping, peacebuilding, conflict prevention and conflict resolution, and were better suited to address root causes of conflicts. Some delegations supported, *inter alia*, the provision of financial and logistical assistance to regional organizations engaged in conflict resolution as well as capacity-building; the institutionalization of cooperation not only between the United Nations and the regional organizations but also among the regional organizations themselves; improving mediation capacities of regional organizations; the central coordinating role of the United Nations between various regional organizations; and encouraging regional organizations to also become involved in issues that did not pose a threat to international peace and security. Many speakers also reaffirmed that interaction with regional and subregional organizations

¹⁰⁴ S/PV.5776, pp. 2-3.

must follow the provisions of Chapter VIII of the Charter.

Divergent views were sometimes expressed regarding the institutionalization of the relations between the United Nations and regional organizations and the creation of structured funding mechanisms,¹⁰⁵ as opposed to creating pragmatic and flexible synergies and specific coordination mechanisms on a case-by-case basis.¹⁰⁶

At the end of the meeting, the President made a statement on behalf of the Council,¹⁰⁷ by which the Council, *inter alia*:

Recognized the important role of regional and subregional organizations in the prevention, management and resolution of conflicts;

Emphasized that the growing contribution made by regional and subregional organizations in cooperation with United Nations could usefully support the work of the Organization in maintaining international peace and security;

Recalled its determination to take appropriate steps to further the development of cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security;

Encouraged regional and subregional organizations to strengthen and increase cooperation among them, and underlined the importance of the United Nations political support and technical expertise in this regard;

Encouraged regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and intended to consult closely with them on their role in future peacekeeping operations as well as political and integrated missions authorized by the Council;

Stressed the need to develop effective partnership between the Council and regional and subregional organizations in order to enable early response to disputes and emerging crises;

Underlined the importance of exploring the potential and existing capacities of regional and subregional organizations in the field of peace and security;

Stressed the potential role of regional and subregional organizations in addressing the illicit trade in small arms and light weapons and the need to take into account in the mandates

¹⁰⁵ *Ibid.*, p. 18 (Russian Federation); p. 20 (Panama); and S/PV.5776 (Resumption 1), p. 29 (African Union).

¹⁰⁶ S/PV.5776, p. 4 (United States); p. 16 (Belgium); p. 27 (European Union); and S/PV.5776 (Resumption 1), p. 8 (Japan).

¹⁰⁷ S/PRST/2007/42.

of peacekeeping operations the regional instruments enabling States to identify and trace illegal small arms and light weapons;

Welcomed the efforts undertaken by its subsidiary bodies with responsibilities in counter-terrorism to foster cooperation with regional and subregional organizations;

Recognized the importance of promoting the identification and further development of modalities which enhance the contribution of regional and subregional organizations to the work of the Council in maintaining international peace and security;

Requested the Secretary-General to include in his report pursuant to the statement by its President of 28 March 2007¹⁰⁸ a recommendation on practical ways and means to increase and strengthen cooperation between the United Nations and regional and subregional organizations in the maintenance of international peace and security;

Invited all Member States to contribute more actively to the strengthening of the capacity of regional and subregional organizations in issues relating to the maintenance of international peace and security.

¹⁰⁸ S/PRST/2007/7.

50. Civilian aspects of conflict management and peacebuilding

Initial proceedings

Decision of 22 September 2004 (5041st meeting): statement by the President

At its 5041st meeting, on 22 September 2004, the Security Council included in its agenda the item entitled “Civilian aspects of conflict management and peacebuilding” a letter dated 8 September 2004 from the representative of Spain to the United Nations addressed to the Secretary-General,¹ transmitting a discussion paper on the topic. Statements were made by the Secretary-General, the Commissioner for Peace and Security of the African Union, the High Representative for the European Union Common Foreign and Security Policy and the Secretary-General of the League of Arab States, as well as by all members of the Council.²

In his introductory statement, the Secretary-General stressed that, for the maintenance of international peace and security, restoration of the rule of law was vital in war-torn societies. He said that in the complex business of peacebuilding, a clear political strategy that included benchmarks for progress towards building legitimate and effective States was necessary. He expressed the view that the Council’s sustained

interest and focus was needed to address current challenges, since disinterest and division within the Council resulted in unfulfilled mandates and unsolved problems. Furthermore, the United Nations, other intergovernmental organizations, bilateral donors and non-governmental organizations should work more closely together on the basis of shared goals and priorities, since peacebuilding was interdependent and failure in one sector could result in failure in other sectors. In addition, in efforts at peacebuilding, a highly skilled cadre of civilian staff were needed that would include both technical experts and individuals who brought together diverse perspectives on conflict management, State-building, development and transitional justice. In regard to the security of United Nations civilian staff, the Secretary-General underlined that there must be a reasonable balance between the risks they took and the substantive contributions they were called on to make.³

The Commissioner for Peace and Security of the African Union stated that the Protocol establishing the African Union Peace and Security Council outlined its responsibilities for bringing peace, security and stability to Africa. He noted that the African Union’s limited experience in Darfur with the deployment of the African Union Mission in the Sudan had revealed the need to expand the mission to include civilian components in order to address the civilian, human rights and humanitarian aspects of the crisis. He also stressed the need to devote attention to linkages with civil society organizations. Finally, he noted that the

¹ S/2004/722.

² Brazil, France, Germany, the Philippines, Romania and Spain were represented by their respective Ministers for Foreign Affairs, Pakistan by the Minister of State for Foreign Affairs, Angola by the Minister of External Relations, and the United Kingdom by the Secretary of State for Foreign and Commonwealth Affairs.

³ S/PV.5041, pp. 2-3.

Protocol also provided for the creation of a standby force comprising civilian and military components ready for rapid deployment at appropriate notice by 2010. However, he stressed that the African Union would rely on the continued support of the United Nations to develop the force.⁴

The High Representative for the European Union Common Foreign and Security Policy noted that civilian aspects had in recent years taken on primary importance in crisis management. In addition to the political and security dimensions of rebuilding a State, a third dimension entailed establishing institutions in which a given population could have confidence. He stated that over a very brief period the European Union had developed concepts and established structures capable of sustaining the deployment of civilian elements. He observed that the European Union's security policy architecture ensured that it was able to deploy civilian instruments in a sustained manner and, of the six operations undertaken by the European Union in recent years, three were civilian. Considering the difficulties of building up civilian personnel for deployment to crisis areas, the international community must establish mechanisms to properly train civilian staff for rapid deployment in the civilian component of crisis management operations. In addition, he affirmed that a new culture of coordination between the military and civilian components of such operations must be developed. The European Union had set up a civilian-military planning cell to encompass the planning of both aspects.⁵

The Secretary-General of the League of Arab States stated that the Council's consideration of the current item showed the importance it attached to developing the partnership of the United Nations with international and regional organizations under Chapter VIII of the Charter. Cooperation between the United Nations and the Council on the one hand, and regional organizations on the other, was fundamentally governed by the Charter and solid norms for such cooperation had been established by General Assembly resolutions and agreements. He stressed that a second fundamental principle was that threats and challenges in the international arena needed to be dealt with collectively, in a multilateral manner, addressing both civilian and political aspects, and that political

solutions, not military solutions, must be the first choice in dealing with crises.⁶

Most Council members stressed the growing importance of civilian aspects of conflict management and acknowledged the importance of civil-military cooperation, as well as coordination within the United Nations system and at the regional and subregional levels. They held that an environment made safe by the military and civilian police was absolutely essential for civilian reconstruction and rehabilitation activities undertaken by civilians. Moreover, members recognized the need to improve and strengthen coordination mechanisms between military forces and civilian actors. Members expressed support for efforts to develop wider capabilities — including in the key areas of police, justice and the rule of law, preparation of electoral processes, electoral observation, civil protection and public administration — and highlighted the importance of involving local actors in policy-making processes.

Speakers called for the further development of common strategies and operational policies and urged that the civilian component of conflict management be accorded adequate and sustained support. Specifically, the representatives of Chile and Spain recommended that Member States should develop their capabilities in the areas of police and civil administration and, with a view to their possible use within the framework of peacekeeping operations, establish national registers of human and material resources.⁷ Some members called for the establishment of rapid deployment units not only for civilian police but also for judges and human rights experts.⁸

Most speakers highlighted the importance of promoting cooperation among the United Nations, its agencies and programmes, regional organizations and Member States in order to increase the availability of human and material resources for the management of the civilian aspects of peacekeeping operations. The representative of France hoped that the high-level panel established by the Secretary-General would produce concrete proposals for creating permanent mechanisms to coordinate among world and regional institutions, non-governmental organizations and the

⁴ Ibid., pp. 3-4.

⁵ Ibid., pp. 5-6.

⁶ Ibid., pp. 6-8.

⁷ Ibid., p. 10 (Chile); and p. 29 (Spain).

⁸ Ibid., p. 11 (Germany); p. 12 (France); and p. 13 (Romania).

private sector.⁹ A number of representatives emphasized the need for a greater role to be given to the Economic and Social Council and to improve cooperation between it and the Security Council,¹⁰ while the representative of Pakistan reiterated the proposal by his Government for establishing ad hoc composite committees of the Security Council, the General Assembly and the Economic and Social Council.¹¹

Several speakers recognized the importance of an efficient civilian police force, emphasizing that, while military peacekeepers can help to stabilize a post-conflict country, the establishment of a competent, impartial and adequately resourced civilian police mission was crucial to maintaining security. The representative of the United States believed that civilian police should be linked with assistance to the judicial and penal systems, lest policing become nothing more than a continuation of the peacekeeping function.¹²

⁹ Ibid., p. 12.

¹⁰ Ibid., p. 17 (Brazil); p. 19 (Pakistan); p. 20 (Angola); and p. 28 (Algeria).

¹¹ Ibid., p. 19.

¹² Ibid., p. 21.

The President (Spain) made a statement on behalf of the Council,¹³ which read, in part:

The Security Council met at the ministerial level on 22 September 2004 to consider “Civilian aspects of conflict management and peacebuilding”;

Ministers recognized the increasing importance of civilian aspects of conflict management in addressing complex crisis situations and in preventing the recurrence of conflict; they affirmed the importance of conflict resolution in accordance with the relevant provisions of the Charter;

Ministers also acknowledged the importance of civilian-military cooperation in crisis management;

Ministers recognized the increasing role of some regional and subregional and other international organizations in crisis management;

Ministers supported the efforts by Member States to continue to develop their own civilian crisis management capabilities, and they also supported their initiatives to make those capabilities available to United Nations and other relevant regional or subregional organizations, as a contribution to their efforts in the maintenance of international peace and security.

¹³ S/PRST/2004/33.

51. Items relating to the rule of law

A. Justice and the rule of law: the United Nations role

Decision of 6 October 2004 (5052nd meeting): statement by the President

At its 5052nd meeting, on 6 October 2004, the Security Council included in its agenda the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies.¹ In his report, the Secretary-General highlighted that justice, peace and democracy were not mutually exclusive objectives, but were rather mutually reinforcing imperatives. He advocated for truth commissions, vetting processes, reparation programmes, international norms and standards, and providing the necessary resources to support such programmes. He underlined the particular ability of the Security Council to refer situations to the International Criminal Court, “even in

cases where the countries concerned are not States parties to the Statute of the Court”, and encouraged the further ratification of its Statute. Finally, he emphasized that strengthening United Nations support would require enhancing coordination among all actors; developing rosters of experts and technical tools; keeping more systematic records; and analysing and applying those lessons in Security Council mandates, peace processes and the operations of United Nations peace missions.

At the same meeting, the Council heard briefings by the Secretary-General, the Special Adviser to the Secretary-General on the Prevention of Genocide and Director of the International Centre for Transitional Justice, and the Administrator of the United Nations Development Programme; following which statements were made by all Council members and the representatives of Argentina, Australia, Austria,

¹ S/2004/616.

Belarus, Burundi, Canada, Costa Rica, Fiji, Finland, India, Indonesia, Japan, Jordan, Liechtenstein, Mexico, the Netherlands (on behalf of the European Union),² Nigeria, Peru, the Republic of Korea, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sweden, Switzerland and Uganda and the Permanent Observer of Palestine.

The Secretary-General said that peace and stability could prevail only if the “causes of conflict” were addressed in a “legitimate and fair manner”. He suggested that the approach to justice needed to be comprehensive, including the police, prisons and courts, and that a nationally determined combination of mechanisms would generally work better, including traditional justice mechanisms, where appropriate. He commented that while international or mixed tribunals had brought a measure of justice, they had also been expensive and had not contributed adequately to building sustainable national capacity for the administration of justice.³

The Special Adviser on the Prevention of Genocide and Director of the International Centre for Transitional Justice affirmed that atrocities were often met “by de jure or de facto impunity”, but there could be no transition to a more humane, just and democratic order unless impunity was broken through prosecution, trial, and eventual punishment. He stressed that reconciliation needed to be viewed as the ultimate object and condition of the legitimacy of efforts to achieve transitional justice. He commended the report’s rejection of amnesty for international crimes such as genocide, war crimes and crimes against humanity. He expressed the view that it was important for future peacemaking to end the “easy resort to blackmail” embodied in the “promise of loose amnesties and other rewards for atrocities”. He suggested that the Security Council could play a large role in enhancing the legitimacy of this evolving doctrine. He therefore recalled that, when international tribunals were created under Chapter VII of the Charter, there was an explicit obligation on the part of all Member States to cooperate with their investigations, detentions and evidence-gathering, and, even when not acting under Chapter VII, the Council could explicitly mandate

cooperation with mixed or hybrid courts and the International Criminal Court.⁴

The Administrator of the United Nations Development Programme said that the rule of law was “too important to be left to lawyers”, but needed to be rooted in the social and political context of a nation. He observed that international assistance needed to aim at building indigenous support for reform, and in particular the United Nations needed to facilitate negotiations among national stakeholders in order to build a political will for rule of law reform.⁵

Most delegations welcomed the report of the Secretary-General and endorsed its recommendations. Many participants expressed support for, inter alia, effective integration of justice and rule of law elements in United Nations missions and mandates; local consultation and ownership; addressing the causes of conflict; the formulation of a list of experts as well as the provision of necessary financial resources; the establishment of international tribunals, including the International Criminal Court; further cooperation with regional organizations and non-governmental organizations; promotion of international standards; and reinforcing capacity-building. A number of representatives urged the Executive Committee on Peace and Security to focus on possible institutional changes. Several speakers welcomed the relationship agreement on cooperation and consultation between the United Nations and the International Criminal Court and urged those States that had not yet done so to ratify the Rome Statute.

The representatives of Germany, Finland and Jordan said there was a need to create a new entity within the United Nations Secretariat, enabling the United Nations to operate more effectively in the area of the rule of law and transitional justice.⁶ The representative of the Russian Federation, while not rejecting the idea of establishing a new coordinating structure within the United Nations on issues relating to the rule of law and transitional justice, suggested that increasing the number of bureaucratic mechanisms did not always lead to enhanced functioning and effectiveness of the system. He therefore urged the Executive Committee on Peace and Security to focus

² Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

³ S/PV.5052, pp. 2-3.

⁴ *Ibid.*, pp. 4-5.

⁵ S/PV.5052 (Resumption 1), pp. 2-3.

⁶ S/PV.5052, pp. 8-9 (Germany); S/PV.5052 (Resumption 1), pp. 6-8 (Jordan); and pp. 8-9 (Finland).

on finding ways to improve coordination within existing mechanisms.⁷

The representative of the Philippines underlined that the religious sector was well situated to deal with community-based issues, such as justice and the rule of law. Consequently, he advocated for the creation of an inter-religious council or a specific unit on inter-faith understanding in the United Nations system.⁸

The representative of Chile believed that the report's approach to reconciliation, as an extrajudicial means of transitional justice, did not reflect the fact that reconciliation was a process.⁹

The representative of the United States stressed that his delegation did not endorse the report's embrace of the International Criminal Court, to which the United States had fundamental objections, and argued that the report did not properly respect national decisions about criminal justice, particularly sentences a particular society might deem appropriate. He expressed the view that the International Criminal Court should not have jurisdiction over citizens of States that were not parties to the Rome Statute; and that the Statute did not reflect due process of law as understood in the United States, as it, among other things, allowed multiple jeopardy and did not provide for jury trials. He argued that the Court also ran a high risk of politicization and was not accountable.¹⁰

The representative of Belarus stressed that the involvement of the Council in forming rules of international law could be justified only by exceptional and extraordinary circumstances that constituted a threat to international peace and security. He also said that the Council's practice of including in resolutions "political elements that contradict existing international law" challenged the idea of the supremacy of law.¹¹

The representative of China stressed that all parties needed to respect the Charter and the universally recognized norms of international law with regard to the sovereignty and territorial integrity of the

country in question, and refrain from interfering in internal disputes and differences.¹²

The representative of Uganda maintained that sovereignty should not be used as a cloak to cover gross human rights abuses by nations.¹³

The President (United Kingdom) made a statement on behalf of the Council,¹⁴ by which the Council, *inter alia*:

Urged the Secretariat to make proposals for implementation of the recommendations set out in paragraph 65 of the report of the Secretary-General;¹

Recalled the important statement made by the Secretary-General to the fifty-ninth session of the General Assembly on 21 September 2004;

Underlined the importance of assessing the particular justice and rule of law needs in each host country;

Emphasized that ending the climate of impunity was essential to the efforts of a conflict and post-conflict society to come to terms with past abuses and in preventing future abuses;

Recalled that justice and the rule of law at the international level are of key importance for promoting and maintaining peace, stability and development in the world;

Welcomed the Secretary-General's decision to make the United Nations work to strengthen the rule of law and transitional justice in conflict and post-conflict societies a priority for the remainder of his tenure; and invited the Secretary-General to keep it informed on the Secretariat's progress in taking forward the recommendations set out in paragraph 65 of the report and expressed the intention to consider the matter again within six months.

B. Strengthening international law: rule of law and maintenance of international peace and security

Initial proceedings

Decision of 22 June 2006 (5474th meeting): statement by the President

At its 5474th meeting, on 22 June 2006, the Council included in its agenda the letter dated 7 June 2006 from the representative of Denmark to the United Nations addressed to the Secretary-General,¹⁵

⁷ S/PV.5052, p. 8.

⁸ *Ibid.*, pp. 6-7.

⁹ *Ibid.*, pp. 12-13.

¹⁰ *Ibid.*, p. 18.

¹¹ S/PV.5052 (Resumption 1), pp. 14-15.

¹² S/PV.5052, p. 22.

¹³ S/PV.5052 (Resumption 1), p. 10.

¹⁴ S/PRST/2004/34.

¹⁵ S/2006/367.

transmitting a non-paper to help guide the discussion. The non-paper identified three specific issues for special attention: the promotion of the rule of law in conflict and post-conflict situations, ending impunity for international crimes, and enhancing the efficiency and credibility of United Nations sanctions regimes. The Council heard briefings by the Legal Counsel of the United Nations and the President of the International Court of Justice, following which statements were made by all Council members¹⁶ and the representatives of Austria (on behalf of the European Union),¹⁷ Azerbaijan, Canada (on behalf also of Australia and New Zealand), Egypt, Guatemala, Iraq, Liechtenstein, Mexico, Nigeria, Norway, Sierra Leone, South Africa, Switzerland and Venezuela (Bolivarian Republic of) and the Permanent Observer of Palestine.

The Legal Counsel recalled the imminent establishment of the Organizational Committee of the new Peacebuilding Commission, and noted that in that context the Secretariat was tasked with identifying more precisely the means it already possessed to support actions to promote the rule of law and the best way of organizing those resources effectively. With regard to the question of impunity, he pointed out that justice and peace needed to be regarded as complementary requirements. He believed that the rejection of amnesty for international crimes needed to be enshrined as a “standard to be enforced”. On the question of improving sanctions, he recalled the views of the Secretary-General concerning listing and delisting of individuals and entities on sanctions lists, who stressed that minimum standards were required to ensure that the procedures were fair and transparent, including a review by an efficient mechanism.¹⁸

The President of the International Court of Justice observed that “strengthening international law” meant, first, the widening and deepening of the content of international law; and second, the fortifying of the mechanisms for securing compliance with or enforcement of international law. She affirmed that the tool contained in Article 36 (3) of the Charter, by

which the Security Council should take into consideration that legal disputes should as a general rule be referred by the parties to the Court, needed to be brought to life and made a central policy of the Security Council.¹⁹

Most representatives expressed appreciation for the establishment of the Peacebuilding Commission and noted, *inter alia*, the importance of combating impunity; the Council’s referral of the situation in Darfur to the Prosecutor of the International Criminal Court; and the need for analysis of the root causes of conflict. Many delegations stressed the need for temporal, fair and clear procedures for listing and delisting on sanctions as well as granting humanitarian exceptions; the establishment of a rule of law assistance unit within the Secretariat; an early-warning system to reduce the incidence of conflicts; better cooperation among United Nations units; the credible practice of the “responsibility to protect” concept; and universal jurisdiction and competence of the International Criminal Court. A few speakers urged the Secretariat to prepare a report containing proposals concerning the implementation of the recommendations in the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies.²⁰ A number of representatives shared the opinion that the credibility of the Council rested on its commitment to operate within the framework of international law.

The representative of South Africa also opined that if the Council was to realize its full potential to strengthen international law and to help instil the rule of law, comprehensive reform would be required, reform that addressed both its composition and its working methods.²¹

The representative of Mexico expressed the view that all disputes between States stemmed from differences concerning the interpretation of some rule of international law. He advised the Council to refrain from taking decisions of a “legislative nature”, and rejected the validity of the argument about the “Council’s residual, implicit or subsidiary powers”.²² The representative of Venezuela (Bolivarian Republic of) declared that the Council needed to avoid the practice of using its authority to “impose legislative requirements on

¹⁶ Denmark was represented by its Minister for Foreign Affairs.

¹⁷ Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

¹⁸ S/PV.5474, pp. 3-5.

¹⁹ *Ibid.*, pp. 5-8.

²⁰ S/2004/616.

²¹ S/PV.5474 (Resumption 1), pp. 13-14.

²² S/PV.5474, pp. 29-31.

Member States or assuming powers” that could be considered an “usurpation” of the Assembly’s competencies.²³

The President (Denmark) made a statement on behalf of the Council,²⁴ by which the Council, *inter alia*:

Reaffirmed its commitment to the Charter of United Nations and international law; underscored its conviction that international law plays a critical role in fostering stability and order in international relations and in providing a framework for cooperation among States in addressing common challenges, thus contributing to the maintenance of international peace and security;

²³ S/PV.5474 (Resumption 1), p. 16.

²⁴ S/PRST/2006/28.

Emphasized the important role of the International Court of Justice, the principal judicial organ of United Nations, in adjudicating disputes among States;

Attached vital importance to promoting justice and the rule of law; supported the idea of establishing a rule of law assistance unit within the Secretariat and looked forward to receiving the proposals of the Secretariat for implementation of the recommendations set out in paragraph 65 of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies;²⁰

Emphasized the responsibility of States to comply with their obligations to end impunity and to prosecute those responsible for genocide, crimes against humanity and serious violations of international humanitarian law;

Considered sanctions an important tool in the maintenance and restoration of international peace and security; and resolved to ensure that sanctions were carefully targeted in support of clear objectives and implemented in ways that balance effectiveness against possible adverse consequences.

52. Post-conflict peacebuilding

Initial proceedings

Decision of 26 May 2005 (5187th meeting): statement by the President

At its 5187th meeting, on 26 May 2005, the Security Council included in its agenda the item entitled “Post-conflict peacebuilding” and a letter dated 16 May 2005 from the representative of Denmark to the Secretary-General,¹ transmitting a discussion paper for the open debate on the item.

Statements were made by all members of the Council and the Deputy Secretary-General, the President of the World Bank and the representatives of Australia, Chile, Côte d’Ivoire, Egypt, Ghana, Iceland, India, Indonesia, Luxembourg (on behalf of the European Union),² Malaysia, Morocco, New Zealand, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, the Republic of Korea, Sierra Leone, Slovakia, South Africa, Switzerland and Ukraine.³

¹ S/2005/316.

² Albania, Bulgaria, Croatia, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

³ The representative of Sweden was invited to participate but did not make a statement.

In his statement, the Minister for Foreign Affairs of Denmark elaborated on some aspects of the discussion paper submitted by his country. He referred to the nexus between security and development, issues which had both to be addressed in order to build lasting peace. He saw the greatest danger of insufficient efforts in the post-crisis phase, particularly in Africa, resulting in a relapse into conflict. He said this danger could best be reduced through action in three different fields. First, in the policy field, local ownership must be ensured since the country in question and its people carried the main responsibility for their future, and a regional perspective was indispensable to address the specifics of a conflict. He therefore welcomed and encouraged the development by which regional organizations were taking on continuously greater responsibilities. Turning to the institutional field, he called for more coordination and better knowledge management between the different United Nations actors at Headquarters and in the field. Lastly, he emphasized that ensuring long-term funding was equally indispensable for successful peacebuilding.⁴

The Deputy Secretary-General said that it was essential for the United Nations to improve upon its strategies for ending wars by also tackling the question

⁴ S/PV.5187, pp. 2-4.

of relapse, as almost half of all wars that came to an end relapsed into violence. She stressed that it was important to ensure that peace agreements were implemented in a sustainable manner. Besides the aspects addressed by the representative of Denmark such as national ownership, a coherent United Nations approach and resource issues, she called for the involvement of international financial institutions and bilateral donors. She stated that the proposed Peacebuilding Commission would fill a gap within the United Nations system and focus attention on the vital task of peacebuilding and harmonize peacebuilding activity across the multilateral system.⁵

The Minister for Foreign Affairs and Trade of New Zealand pointed to the importance of long-term commitment if peacebuilding was to be successful. He also touched upon the need for flexibility, economic progress, cultural sensitivity including local ownership and the role of civil society. He welcomed the evolving practice of the Council to mandate “complex” missions which encompassed policing, legal, human rights, governance and development components. In a proposed Peacebuilding Commission he saw a much-needed forum to achieve greater strategic and institutional coherence.⁶

Participating via videolink, the President of the World Bank underlined that the World Bank would work closely with the Peacebuilding Commission and agreed that there was a need for such a body since it was essential to change the balance, also in financial terms, that existed between peacemaking and peacebuilding. He stressed that the World Bank recognized the interdependence it had in this regard with the United Nations. Essential for successful peacebuilding, he considered, was capacity-building, establishing a functioning legal order and financial framework and addressing the issue of corruption.⁷

Elaborating on the notion of peacebuilding, speakers agreed that peacebuilding must aim at addressing the root causes of conflicts and at preventing a relapse into conflict. Therefore, seeking a lasting settlement of conflicts and achieving

sustainable peace and stability was crucial. While representatives acknowledged the efforts of the United Nations with regard to its peacekeeping activities, the limited success of the United Nations in the area of peacebuilding was made clear by a relapse into conflict. Such a relapse could oftentimes not be prevented, because of lack of coordination of all the different actors involved in the process, including a lack of coordination within the United Nations system and the lack of a single strategy.

Most speakers considered peace and development to be interlinked, and stated that actors in several fields like disarmament, demobilization and reintegration of former combatants, eradication of poverty, sustainable development, human rights and strengthening the rule of law were involved in the peacebuilding process. At the same time, speakers conceded that every conflict had specific characteristics and agreed that regional organizations must be fully involved in the process since they had the best expertise in a region. Speakers therefore supported a further strengthening of United Nations cooperation with regional organizations. The representative of Norway called for basing the division of labour between the United Nations and regional organizations on the principle of subsidiarity.⁸

Most speakers called strongly for encouraging local ownership since, according to some, the primary responsibility for peacebuilding lay with the country and the people emerging from conflict.⁹

Speakers also agreed that peacebuilding as a long-term process required not only coordination among all United Nations entities and regional and subregional organizations, but also with affected States, troop-contributing and donor countries and international financial institutions. The representative of France referred to programmes of disarmament, demobilization and reintegration included in previous Council resolutions which often had lacked coordination between the various actors and therefore had not yet achieved the hoped-for results.¹⁰ Speakers in general stated that the need for coordinating the work and the strategies could best be addressed by a future peacebuilding commission which would, as the Secretary-General had stated in his report entitled “In larger freedom”,¹¹ fill an institutional

⁵ Ibid., pp. 4-5. For a discussion concerning the scope of the activities of the Council and the Economic and Social Council in post-conflict situations, see chap. VI, part II, sect. B, case 12 (f).

⁶ S/PV.5187, pp. 5-6.

⁷ Ibid., pp. 6-8.

⁸ S/PV.5187 (Resumption 1), p. 9.

⁹ S/PV.5187, p. 12 (France); and p. 18 (United Kingdom).

¹⁰ Ibid., p. 12.

¹¹ A/59/2005.

gap. With regard to the role of the Council in the peacebuilding process, several speakers made it clear that peacebuilding activities, due to their mixed nature, were not to be the Council's sole responsibility and pointed to the role of the Economic and Social Council and the General Assembly.¹²

Some representatives made different proposals concerning the relationship between the Peacebuilding Commission and the Security Council, the Economic and Social Council and the General Assembly as well as the functions of the Commission. The representative of Morocco called for the Peacebuilding Commission to be attached to the Council and the Economic and Social Council and possibly to the General Assembly.¹³ The representative of Egypt held that the General Assembly, the Economic and Social Council and the Security Council should be entrusted with monitoring the work of the Commission.¹⁴ The representative of Algeria wanted the Commission to be an intermediary organ between the Security Council and the Economic and Social Council that was to be "created, set up and given a mandate by the General Assembly".¹⁵ The representative of Ghana called for the Commission to be established by the General Assembly but to be put under the joint authority of the Council and the Economic and Social Council to which it should report sequentially and not jointly in order to avoid duplication. He further held that the Commission should be of an advisory nature and not have decision-making powers.¹⁶ The representative of the United States considered the Peacebuilding Commission as an advisory body operating on a consensus basis to provide expertise and a coordination capacity to the principal United Nations bodies. He opined that as long as the security of a country was on its agenda, the Security Council should be the body that invoked the Commission's structure, wisdom and capacity, and that once the Council determined that a post-conflict situation no longer required its oversight, the Commission could so inform other agencies and

organs.¹⁷ On the other hand, according to the representative of India, it was essential that the Commission be made accountable to the General Assembly, a body with general membership. He further stressed that criteria on the basis of which a particular country under the Commission would move from the Council to the Economic and Social Council needed to be formulated, pointing out that setting the transition from the Council to the Economic and Social Council after the removal of that agenda item was somewhat unrealistic since a country at times remained on the Council's agenda for several years before it was removed.¹⁸

Many speakers agreed that peacebuilding required long-term, predictable and more rapid disbursement of funding and that therefore coordinating resource mobilization was crucial. Some delegations called for a discussion to distinguish between activities funded by voluntary contributions and those funded by assessed contributions.¹⁹ Some representatives of African States called for a funding of disarmament, demobilization and reintegration activities through the regular United Nations budget.²⁰ The representative of Norway expressed the view that all post-conflict peacebuilding activities included in mandates of peace operations should be financed by assessed contributions.²¹ The representative of the United States stated that simply increasing assessed contributions would be overly simplistic and was contrary to its national budgeting process. The representative of Japan added that financing all peacebuilding activities through assessed contributions would hinder local ownership. Therefore, both speakers advocated analysis on a case-by-case basis.²² Other speakers proposed the establishment of a voluntary revolving fund²³ or a standing fund for peacebuilding.²⁴

¹² S/PV.5187, p. 8 (Switzerland); p. 14 (Algeria); p. 21 (Philippines); p. 29 (India); S/PV.5187 (Resumption 1), p. 3 (Morocco); p. 7 (Egypt); pp. 7-8 (Ukraine); p. 9 (Malaysia); pp. 10-11 (Ghana); and p. 19 (Republic of Korea).

¹³ S/PV.5187, p. 3.

¹⁴ *Ibid.*, p. 7.

¹⁵ *Ibid.*, p. 14.

¹⁶ S/PV.5187 (Resumption 1), pp. 10-11.

¹⁷ S/PV.5187, p. 16.

¹⁸ *Ibid.*, p. 29.

¹⁹ *Ibid.*, p. 10 (United Republic of Tanzania); and p. 12 (France).

²⁰ *Ibid.*, p. 20 (Benin); S/PV.5187 (Resumption 1), p. 5 (South Africa).

²¹ S/PV.5187 (Resumption 1), p. 9.

²² S/PV.5187, pp. 16-17 (United States); and p. 26 (Japan).

²³ *Ibid.*, p. 21 (Philippines).

²⁴ *Ibid.*, p. 10 (United Republic of Tanzania); p. 29 (India); S/PV.5187 (Resumption 1), p. 11 (Ghana); and p. 20 (Pakistan).

With regard to regional priorities, some speakers called for Africa to become a focus of the peacebuilding activities of the United Nations and pointed to the relevance of the proposed Peacebuilding Commission especially for Africa²⁵ or referred to the disarmament, demobilization and reintegration activities which needed to be consolidated.²⁶ They supported a wider strategy of conflict prevention, crisis management and peacebuilding with regard to spillover effects which conflicts in African countries had experienced in the past.²⁷

At the end of the meeting, the President made a statement on behalf of the Council,²⁸ by which the Council, *inter alia*:

Reaffirmed its commitment to the purposes and principles enshrined in the Charter of the United Nations and recalled its primary responsibility for the maintenance of international peace and security;

Acknowledged that serious attention to the longer-term process of peacebuilding in all its multiple dimensions was critically important and that adequate support for peacebuilding activities could help to prevent countries from relapsing into conflict;

Underlined the fact that for countries emerging from conflict, significant international assistance for economic and social rehabilitation and reconstruction was indispensable;

Recognized the crucial role of regional and subregional organizations in post-conflict peacebuilding and their involvement at the earliest possible stage;

Stressed the special needs of Africa in post-conflict situations and encouraged the international community to pay particular attention to those needs.

**Decisions of 20 December 2005 (5335th meeting):
resolutions 1645 (2005) and 1646 (2005)**

At the 5335th meeting, on 20 December 2005,²⁹ at which the representatives of Algeria, Argentina, Benin, Brazil and the United States made statements, the President (United Kingdom) drew the attention of

the Council to two draft resolutions which were then put to the vote. The first draft resolution³⁰ was adopted unanimously and without debate as resolution 1645 (2005), by which the Council, *inter alia*:

Decided, acting concurrently with the General Assembly, to establish the Peacebuilding Commission as an intergovernmental advisory body;

Also decided that the following should be the main purposes of the Commission: (a) to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery; (b) to focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and to support the development of integrated strategies in order to lay the foundation for sustainable development; (c) to provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations;

Further decided that the Commission should meet in various configurations;

Decided that the Commission should have a standing Organizational Committee, responsible for developing its own rules of procedure and working methods;

Decided that members of the Organizational Committee should serve for renewable terms of two years, as applicable;

Decided that the Organizational Committee should establish the agenda of the Commission;

Also decided that the Commission should make the outcome of its discussions and recommendations publicly available as United Nations documents to all relevant bodies and actors, including the international financial institutions;

Decided that the Commission should submit an annual report to the General Assembly and that the Assembly should hold an annual debate to review the report;

Decided that the Commission should act in all matters on the basis of consensus of its members;

Requested the Secretary-General to report to the General Assembly on the arrangements for establishing the peacebuilding fund during its sixtieth session;

Decided that the arrangements set out above would be reviewed five years after the adoption of the resolution.

The second draft resolution³¹ was adopted by 13 votes to none, with 2 abstentions (Argentina, Brazil), as resolution 1646 (2005), by which the Council, *inter alia*:

Decided, pursuant to resolution 1645 (2005), that the permanent members listed in Article 23 (1) of the Charter should

²⁵ S/PV.5187, p. 23 (China); S/PV.5187 (Resumption 1), p. 11 (Ghana); and p. 19 (Pakistan).

²⁶ S/PV.5187 (Resumption 1), p. 18 (Nigeria).

²⁷ *Ibid.*, p. 11 (Ghana); p. 17 (Nigeria); and p. 21 (Indonesia).

²⁸ S/PRST/2005/20.

²⁹ For more information on the discussion at this meeting, see chap. V, part I, sect. G. See also chap. VI, part II, sect. B, case 12 (f), with regard to relations with the Economic and Social Council.

³⁰ S/2005/803.

³¹ S/2005/806.

be members of the Organizational Committee of the Peacebuilding Commission and that, in addition, the Council should select annually two of its elected members to participate in the Organizational Committee;

Decided that the annual report referred to in resolution 1645 (2005) should also be submitted to the Council for an annual debate.

In their statements, the representatives of Brazil, Argentina and Algeria said that the composition of the Peacebuilding Commission lacked representativeness and legal equality of States. The representative of Brazil held that the resolution failed to adequately reflect the role of the Economic and Social Council in peacebuilding activities.³² The representative of Benin said that it was inappropriate to have submitted the resolution under the current agenda item since it did not adequately reflect the mandate of the Commission, which encompassed both conflict prevention and post-conflict peacebuilding. He felt that the current agenda item might prejudice the implementation of the conflict prevention mandate.³³

Deliberations of 31 January 2007 (5627th meeting)

At its 5627th meeting, on 31 January 2007, the Council heard briefings by the President of the Economic and Social Council, the Chairman of the Organizational Committee of the Peacebuilding Commission, the Assistant Secretary-General in the Peacebuilding Support Office, the representative of the World Bank, and the representative of the International Monetary Fund. Statements were made by all members of the Council and the representatives of Afghanistan, Argentina, Brazil, Burundi, Canada (on behalf also of Australia and New Zealand), Chile, Croatia, Egypt, El Salvador, Germany (on behalf of the European Union),³⁴ Guatemala, Jamaica (on behalf of the Non-Aligned Movement), Japan, the Netherlands,

³² S/PV.5335, p. 2 (Brazil); and p. 3 (Argentina, Algeria).

For more information on the discussion concerning interaction between the Peacebuilding Commission and United Nations organs and the composition of the Commission, see chap. VI, part I, sect. G. For more information about resolutions 1645 (2005) and 1646 (2005), see chap. V, part I, sect. G.

³³ S/PV.5335, p. 3.

³⁴ Albania, Croatia, Iceland, Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine aligned themselves with the statement.

Nigeria, Norway, the Republic of Korea, Senegal, Sierra Leone and Uruguay.

The President of the Economic and Social Council, the Chairman of the Organizational Committee of the Peacebuilding Commission and the Assistant Secretary-General elaborated on the relationship of the Commission with the Economic and Social Council or the Security Council.³⁵ Referring to the issue of funding, the Chairman of the Organizational Committee emphasized that a long-term commitment was needed and, while being pleased with recent contributions to the Peacebuilding Fund, made clear that they were not sufficient to meet the needs of the two assigned countries, Burundi and Sierra Leone.³⁶ The Assistant Secretary-General said that the Fund was an extremely useful start but that it could only act as a catalyst. She stated that her Office would support the Commission by extracting lessons learned and becoming the repository for peacebuilding advice within the Secretariat. According to her, in the long run, peacebuilding must not be another layer of work for Governments, the United Nations or donors on the ground but should define the way in which all different actors framed their interventions.³⁷

The representative of Norway, in his capacity as Chairperson of the Burundi configuration, pointed out that successful peacebuilding — besides national ownership — required sustained political and material support from all the different actors, which included the United Nations system, the international financial institutions, donors, civil society and regional actors.³⁸

The representative of the Netherlands, in his capacity as Chairperson of the Sierra Leone configuration, also regarded it as essential to ensure local ownership and close coordination between New York and national actors as well as to involve all stakeholders.³⁹

The representative of the World Bank expressed the full support of the World Bank to the work of the Peacebuilding Commission and underlined its

³⁵ See S/PV.5627. For more information on the discussion concerning interaction between the Peacebuilding Commission, the Security Council and other United Nations organs, see chap. VI, part I, sect. G.

³⁶ S/PV.5627, p. 5.

³⁷ *Ibid.*, p. 6.

³⁸ *Ibid.*, pp. 6-7.

³⁹ *Ibid.*, pp. 7-9.

commitment to cooperate even more closely both at Headquarters and in the field. He saw the Commission as a useful and effective instrument to deepen the engagement of both institutions in a coordinated manner.⁴⁰

The representative of the International Monetary Fund also affirmed the usefulness of the Peacebuilding Commission as a forum where all aspects of peacebuilding could be addressed comprehensively and expressed readiness to actively cooperate with the Commission.⁴¹

In their first assessment of the Peacebuilding Commission, speakers conceded that it was still in its “teething phase” but commended the two country-specific meetings and considered that it had widely ensured local ownership in practice.

The representative of Sierra Leone considered the Commission to be a “supplementary but effective instrument for facilitating the process of early post-conflict recovery”. He emphasized how crucial funding was to ensure that his country would not relapse into conflict.⁴² The importance of financial contributions was also pointed out by the representative of Burundi, who announced his country’s intention to organize a donor round table.⁴³ The representative of Qatar stressed that the Commission and the Peacebuilding Fund together constituted an integrated mechanism and appealed to the international community to donate generously.⁴⁴ Other speakers also renewed appeals for funding.⁴⁵ While making clear that the Commission was not a donor agency, some speakers pointed to the importance of distributing available funds in a flexible and quick manner to situations with which the Commission was dealing.⁴⁶

Speakers saw the added value of the newly established Peacebuilding Commission in coordinating activities and resources in a comprehensive and

concentrated manner⁴⁷ by “linking the United Nations peacekeeping and peacebuilding activities as seamlessly as possible”;⁴⁸ promoting national capacities;⁴⁹ and identifying common priorities of all actors;⁵⁰ development of a viable peacebuilding strategy bringing together all actors in the field;⁵¹ and providing early warning to the Council drawing attention to setbacks and risk factors in countries on the Council’s agenda.⁵² The representative of Guatemala emphasized that the Commission must go beyond physical rebuilding and support comprehensive changes that would eliminate practices of social, economic and political exclusion and transform State institutions so that citizens could participate in them.⁵³

Some speakers called for the Council to make better use of the Peacebuilding Commission as a source of advice, and stressed the importance of the timing of the request for advice not only after a peacekeeping operation was discontinued but also before a mandate renewal and the establishment of a peacekeeping operation.⁵⁴

The representative of China called for coordination, first, among the different plans and framework documents for reconstruction; secondly, among the different players; and, thirdly, among different organs of the United Nations.⁵⁵

The representative of Japan, who defined the core task of the Commission as bringing together the country under consideration with international partners to formulate an integrated peacebuilding strategy, stated that this task still needed to be tackled for Sierra Leone and Burundi. In order to implement such a strategy, he proposed the establishment of an on-site

⁴⁰ Ibid., p. 9.

⁴¹ Ibid., pp. 9-10.

⁴² Ibid., pp. 11-12.

⁴³ Ibid., pp. 10-11.

⁴⁴ Ibid., p. 18.

⁴⁵ Ibid., p. 19 (Congo); S/PV.5627 (Resumption 1), p. 3 (Senegal); and p. 8 (Republic of Korea).

⁴⁶ S/PV.5627, p. 24 (South Africa); p. 25 (Ghana); and p. 32 (Jamaica, on behalf of the Non-Aligned Movement).

⁴⁷ Ibid., p. 13 (Panama); p. 14 (Peru, France); p. 19 (Congo); p. 21 (United States); p. 26 (Indonesia); p. 29 (Russian Federation); p. 33 (Chile); S/PV.5627 (Resumption 1), p. 5 (Canada).

⁴⁸ S/PV.5627 (Resumption 1), p. 7 (Republic of Korea).

⁴⁹ S/PV.5627, p. 14 (Peru).

⁵⁰ Ibid., p. 15 (France, Belgium); and p. 22 (United Kingdom).

⁵¹ Ibid., p. 16 (Italy); p. 20 (Slovakia); p. 23 (South Africa); p. 30 (Germany, on behalf of the European Union); S/PV.5627 (Resumption 1), p. 4 (Japan).

⁵² S/PV.5627, p. 22 (United Kingdom).

⁵³ S/PV.5627 (Resumption 1), p. 11.

⁵⁴ S/PV.5627, p. 20 (Slovakia); p. 22 (United Kingdom); p. 24 (South Africa); S/PV.5627 (Resumption 1), p. 10 (Brazil).

⁵⁵ S/PV.5627, pp. 27-28.

coordination and monitoring mechanism. For such a strategy to ensure a smooth transfer of responsibilities from a post-conflict to a reconstruction and development phase, he considered, echoed by the representative of Croatia,⁵⁶ the transition of a peacekeeping mission to an integrated office and eventually to a United Nations country team as a good option. He hoped that through an implementation of an integrated strategy, the Commission would provide valuable advice to the Council regarding the exit of a mission.⁵⁷

The representative of Italy called for the Peacebuilding Commission to elaborate benchmarks to monitor progress achieved, and also to develop objective criteria for phasing out its involvement in a country as well as to think about its possible new involvement.⁵⁸ The expansion of the Commission's agenda was also proposed by the representative of Slovakia.⁵⁹

The representative of Canada, speaking also on behalf of Australia and New Zealand, expressed his disappointment about some members of the Commission having overemphasized procedural matters at the expense of substantive peacebuilding issues, and called for refocusing on its core mandate which needed to be approached in an action-oriented and flexible manner.⁶⁰

Deliberations of 17 October 2007 (5761st meeting)

At its 5761st meeting, on 17 October 2007, the Council included in its agenda the report of the Peacebuilding Commission on its first session.⁶¹ In its report, the Commission summarized its activities during its first year of existence: it had met in country-specific configurations to consider the cases of Burundi and Sierra Leone, adopted workplans and sent field missions to both countries to collect information and analysis from the ground. It also identified four critical priority areas for peace consolidation in each of the two countries. Processes for the development of integrated peacebuilding strategies had been launched. The

Commission had adopted provisional rules of procedure which, in order to keep them current and effective, would continue to be reviewed through an expert group. Standing invitations had been extended to the International Monetary Fund, the World Bank, the European Community and the Organization of the Islamic Conference to participate in all meetings of the Commission. The provisional guidelines on the participation of civil society, including non-governmental organizations, had also been adopted. The Commission reported that it had established a working group on lessons learned in order to accumulate best practices and lessons on critical peacebuilding issues. The Commission concluded that the main challenge it was now facing was to maximize its impact on the ground to make the United Nations peacebuilding architecture an effective instrument of international collaboration in support of countries emerging from conflict. The Commission's future work would need to focus on ensuring that peacebuilding processes remained on track and that challenges and gaps were addressed in a timely and coherent manner by all relevant actors and in accordance with the integrated peacebuilding strategies.

Statements were made by all members of the Council, the Chairperson of the Peacebuilding Commission and the representatives of Burundi, El Salvador, the Netherlands, Norway and Sierra Leone.⁶²

The Chairperson of the Peacebuilding Commission said that, during its first year of operation, the Commission had held approximately 50 formal and informal meetings and briefings in various configurations and had addressed critical organizational, methodological and thematic issues, as well as the country-specific issues of Burundi and Sierra Leone. He believed that the Commission had contributed significantly to the promotion of integrated post-conflict peacebuilding strategies in Burundi and Sierra Leone by deepening the dialogue with all relevant stakeholders, and reported that the Commission intended to further strengthen the effectiveness of its engagement with those two countries. While stating that the United Nations peacebuilding structure was fully in place, he identified the following challenges which the Commission was facing: the development of monitoring and tracking mechanisms, working

⁵⁶ S/PV.5627 (Resumption 1), p. 8.

⁵⁷ *Ibid.*, pp. 4-5.

⁵⁸ S/PV.5627, pp. 16-17.

⁵⁹ *Ibid.*, pp. 20-21.

⁶⁰ S/PV.5627 (Resumption 1), pp. 5-6.

⁶¹ S/2007/458.

⁶² For the discussion concerning non-issuance of invitations to this meeting, see chap. III, part I, sect. D, case 6.

methods, advocacy, the Peacebuilding Fund and relationships with other relevant bodies.⁶³

Speakers in general said that the result of the first year's work of the Peacebuilding Commission was positive and that important work had been done in Burundi and Sierra Leone. They noted that the Commission faced a number of challenges, as shown in its report, and highlighted the need to create a clear consensus on the Commission's conceptual design, operational methods and relationship with entities both within and outside the United Nations system.

With regard to future work, delegations called on the Commission to effectively implement peacebuilding strategies on the ground. The representative of Indonesia stated that this could best be fulfilled if the Commission received backing from all the principal organs of the United Nations, the agencies of the United Nations system and the non-United Nations institutions concerned.⁶⁴ Speakers also noted that the Commission should continue to develop its working methods, work with flexibility and transparency, strengthen the effectiveness of integrated peacebuilding strategies and establish tracking and monitoring mechanisms to help identify gaps and allow for more efficient use of resources. The representative of France stated that the Commission was an essential instrument for conflict prevention and thus for the implementation of the responsibility to protect, a key concept that the Security Council needed to put into practice.⁶⁵

Speakers generally highlighted the need for the Commission to strengthen or clarify its cooperation with bodies within the United Nations and with international partners, including financial institutions and regional and subregional organizations, in order to avoid duplication of programmes. The representative of the United States looked forward to a stronger engagement of the Commission with the Security Council, the General Assembly and the Economic and Social Council.⁶⁶ The representative of the Russian Federation considered it particularly important to strengthen the Commission's link with the Council so

as to ensure a timely exchange of information. He also called for the Council to take the Commission's recommendations into account, in its work on Burundi and Sierra Leone.⁶⁷ Some representatives said that the Commission could take on an important role in advising the Council before the establishment or mandate renewal of a peacekeeping operation.⁶⁸ The representative of Indonesia stressed that the Council should continue to work closely with the Commission in the development of a well-functioning peacebuilding architecture.⁶⁹ The representative of China called for a reinforced communication between the Commission and the Council so that the latter could guide the work of the Commission and solicit its recommendations.⁷⁰ The representative of the United Kingdom held that there should be regular interaction between the Council presidency and the Chair of the Commission, adding that it should be a two-way relationship, with a specific division of labour, the Commission doing its work on the ground and providing the Council with concrete advice from that experience.⁷¹

The representative of the United States said that, before adding new countries to its agenda, the Commission must be sure not to overextend itself but rather strive for solid successes and maintain a realistic agenda.⁷² Other speakers looked forward to adding new countries, explicitly naming Guinea-Bissau.⁷³ The representative of France stated that the issue of expanding the Commission's agenda was indissolubly linked to its strengthening. He hoped that the Commission would develop its activities and offer the Council its views on new cases.⁷⁴ The representative of Belgium pointed to the key role of the Council in this regard and held that the Council, instead of being solely reactive in the choice of countries, should consider the specific merits of each file.⁷⁵ The representative of Italy said that the Commission could become a kind of permanent observatory of potential new countries that were about to exit the immediate conflict phase.⁷⁶

⁶³ S/PV.5761, pp. 2-3. On the relationship of the Peacebuilding Commission with other United Nations bodies, see chap. VI, part I, sect. G. See also chap. X, part IV, with regard to the interpretation or application of the provisions of Chapter VI of the Charter.

⁶⁴ S/PV.5761, p. 8.

⁶⁵ *Ibid.*, p. 12.

⁶⁶ *Ibid.*, pp. 20-21.

⁶⁷ *Ibid.* pp. 4-5.

⁶⁸ *Ibid.*, p. 6 (Peru); p. 11 (Italy); and p. 26 (Sierra Leone).

⁶⁹ *Ibid.*, p. 8.

⁷⁰ *Ibid.*, p. 10.

⁷¹ *Ibid.*, pp. 13-14.

⁷² *Ibid.*, p. 21.

⁷³ *Ibid.*, p. 19 (South Africa); and p. 22 (Ghana).

⁷⁴ *Ibid.*, p. 13.

⁷⁵ *Ibid.*, p. 16.

⁷⁶ *Ibid.*, p. 11.

As Chairperson of the Sierra Leone configuration, the representative of the Netherlands said that the elections could be seen as a landmark in the democratic progress of that country but that crucial challenges to sustainable peace remained in the priority areas.⁷⁷ The representative of Sierra Leone saw the elections as a solid foundation for sustainable peace and declared his country's commitment to cooperate with the United Nations and the Commission. He highlighted country ownership and resource mobilization as the foundation for the Commission's operations.⁷⁸

As Chairperson of the Burundi configuration, the representative of Norway stated that a monitoring and tracking mechanism for the strategic framework was being set up and that the security situation was still a matter of concern.⁷⁹ The representative of Burundi

summarized achievements in the work of his country with the Commission and hoped that the Council would firmly and clearly support the efforts of the facilitators in the search for final peace in Burundi.⁸⁰

The representative of El Salvador, in his capacity as Chair of the Working Group on Lessons Learned, reported that the Working Group had started to accumulate an inventory of lessons learned by the United Nations system and the international community by analysing and assembling concrete experiences in different processes that were valid for all countries under consideration. She hoped to build a historical memory that would contribute in the future to more effective United Nations participation in peacebuilding activities.⁸¹

⁷⁷ Ibid., pp. 22-23.

⁷⁸ Ibid., pp. 24-26.

⁷⁹ Ibid., p. 24.

⁸⁰ Ibid., pp. 26-27.

⁸¹ Ibid., pp. 27-29.

53. Threats to international peace and security

Initial proceedings

Decisions of 14 September 2005 (5261st meeting): resolutions 1624 (2005) and 1625 (2005)

At its 5261st meeting, held on 14 September 2005¹ at the level of Heads of State and Government,² the Security Council included in its agenda the item entitled "Threats to international peace and security". Statements were made by all members of the Council as well as by the Secretary-General.

The President (Philippines) drew the attention of the Council to two draft resolutions. The first draft resolution³ was put to the vote and adopted unanimously as resolution 1624 (2005), by which the Council, inter alia:

¹ For more information on the discussion at this meeting, see chap. IV, part I, note, with regard to procedures related to decision-making and voting; chap. VI, part II, sect. B, case 12 (f), with regard to relations with the Economic and Social Council.

² All the Council members were represented at the level of Head of State or Government, except Japan, which was represented at the ministerial level.

³ S/2005/577.

Called upon all States to adopt such measures as might be necessary and appropriate and in accordance with their obligations under international law (a) to prohibit by law incitement to commit a terrorist act or acts; (b) to prevent such conduct; (c) to deny safe haven to any persons with respect to whom there was credible and relevant information giving serious reasons for considering that they had been guilty of such conduct;

Also called upon all States to cooperate, inter alia, to strengthen the security of their international borders, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures;

Further called upon all States to continue international efforts to enhance dialogue and broaden understanding among civilizations;

Called upon all States to report to the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, as part of their ongoing dialogue, on the steps they had taken to implement the resolution;

Directed the Counter-Terrorism Committee: (a) to include in its dialogue with Member States their efforts to implement the resolution; (b) to work with Member States to help to build capacity, including by spreading best legal practice and promoting exchange of information in this regard; (c) to report back to the Council in 12 months on the implementation of the resolution;

Decided to remain actively seized of the matter.

The second draft resolution⁴ was put to the vote and adopted unanimously as resolution 1625 (2005), by which the Council, *inter alia*:

Expressed its determination to enhance the effectiveness of the United Nations in preventing armed conflicts and to monitor closely situations of potential armed conflict;

Stressed the critical importance of a regional approach to conflict prevention, particularly to programmes of disarmament, demobilization and reintegration, as well as the effective and sustainable reintegration of ex-combatants;

Encouraged all African States to adhere to the African Union Non-Aggression and Common Defence Pact adopted in Abuja on 31 January 2005, and to sign, where appropriate, subregional pacts on peace, security, democracy, good governance and development, and called upon the United Nations system and the international community to support the implementation of the pacts;

Urged all African States and the international community to cooperate fully in developing the capacities of African regional and subregional organizations to deploy both civilian and military assets quickly when needed.

The Secretary-General, while maintaining that the subject of threats to peace and security was a broad and complex one, also considered it appropriate for the Council to reflect on the priority the subject of conflict prevention in Africa deserved. With regard to the issue of combating terrorism in all its forms, the Secretary-General referred to his proposal of a comprehensive counter-terrorism strategy, elements of which had been taken up in the World Summit Outcome.⁵ Outlining the five different areas of the strategy, he expressed the hope that the Council would support the strategy in all areas. First, the international community must work to dissuade disaffected groups from resorting to terrorism, primarily by completing a comprehensive convention on terrorism. Secondly, terrorists must be denied the means, in particular weapons of mass destruction, to carry out attacks. Furthermore, the strategy encompassed deterring States from supporting terrorists and developing State capacity to prevent terrorism as well as defending human rights.⁶

In their statements, delegations focused on the issues of countering terrorism and conflict prevention in Africa.⁷ Elaborating on the notion of threats to

international peace and security, speakers concurred that terrorism was one of the most serious threats. The representative of Greece also named as newly emerging threats extreme poverty, deadly infectious diseases, environmental degradation and organized crime, while seeing the proliferation of weapons of mass destruction as potentially the greatest threat.⁸ Other speakers also referred to this threat,⁹ and the representative of France urged the Islamic Republic of Iran to comply with resolutions of the International Atomic Energy Agency and international commitments; if a State failed in its obligations under the Non-Proliferation Treaty, it was legitimate, once dialogue had been exhausted, to refer the issue to the Security Council.¹⁰ The representative of Denmark held that the Council should be ready to deal with the nuclear programmes of the Islamic Republic of Iran and the Democratic People's Republic of Korea in the Council if other avenues failed.¹¹

Most speakers considered that the newly emerging threats required a more comprehensive and holistic approach of the Council. Many speakers referred to the link of development and security and called for the Council to address the underlying causes of threats, predominantly through conflict prevention.¹² Some delegations emphasized the importance of developing closer cooperation with regional organizations to handle such threats.¹³ The representative of China stated that with regard to major issues affecting world peace and security, the Council should be allowed to judge the merits of the actual situation and act collectively in accordance with the Charter and held that the Council's authority should be upheld by adhering to multilateralism.¹⁴

With regard to the issue of conflict prevention specifically in Africa, the representative of the United States expressed his support for the need to improve the ability of the African Union and subregional organizations to deploy civilian and military assets to prevent "unjust armed conflict" in Africa.¹⁵ Some

⁴ S/2005/578.

⁵ General Assembly resolution 60/1.

⁶ S/PV.5261, pp. 2-3.

⁷ For other aspects of the discussion on conflict prevention in Africa, see chap. IV, part I, note; and chap. VI, part II, sect. B, case 12 (f).

⁸ S/PV.5261, p. 5.

⁹ *Ibid.*, p. 6 (United States); p. 7 (Argentina); and p. 12 (Romania).

¹⁰ *Ibid.*, p. 14.

¹¹ *Ibid.*, p. 15.

¹² *Ibid.*, p. 3 (United Republic of Tanzania); p. 5 (Greece); p. 7 (Argentina); p. 8 (China); p. 11 (Benin); p. 12 (Romania); p. 13 (Brazil); and p. 14 (France).

¹³ *Ibid.*, p. 8 (China); p. 11 (Benin); and p. 12 (Romania).

¹⁴ *Ibid.*, pp. 8-9.

¹⁵ *Ibid.*, p. 6.

speakers explicitly called for the Council to pay particular attention to conflicts in Africa,¹⁶ since, according to the representative of Japan, resolving the conflicts in Africa was a global challenge.¹⁷

Speakers concurred that terrorism constituted a grave threat to world peace and security, which had recently manifested itself in an increased number of terrorist acts. It was therefore necessary for the international community to redouble its efforts in combating that scourge. To this end, most speakers supported an enhanced role of the Security Council and the United Nations in preventing and combating terrorism. The representative of the Russian Federation emphasized that its combat should be led by the United Nations and the Security Council as “the headquarters for the international antiterrorist front”.¹⁸ Some speakers reminded the Council to ensure the protection of human rights while combating terrorism.¹⁹

Addressing the issue of Council reform, the representative of Brazil called for ending the “deficit in transparency and representativity” and called for an expansion “in an equitable manner” by giving permanent and non-permanent seats to developing countries of all regions.²⁰ The representatives of France and Japan also called for an enlarged and more representative Council.²¹

**Decision of 8 January 2007 (5615th meeting):
statement by the President**

At the 5615th meeting, on 8 January 2007, the incoming Secretary-General, Ban Ki-moon, at his first meeting with the Council, stated that the international community was facing a range of challenges and that he looked forward to working closely with the Council.²²

Following the statement of the Secretary-General, statements were made by all members of the Council.²³ Speakers elaborated on the increasingly diverse and complex challenges to peace and security, such as armed conflicts, particularly in Africa, crises in the Middle East, terrorism, organized crime, the

proliferation of weapons of mass destruction and the trafficking in small arms. Regarding the nature of conflicts that the Council dealt with, delegations noted a shift from dealing with inter-State conflicts towards dealing with internal conflicts.

The representative of France made clear that it was the Council’s responsibility to effectively respond to those challenges and that this could only be done collectively. He stated that the Council must continue to strengthen its cooperation with the Secretary-General and with regional organizations as well as its ability to prevent crises and must pay close attention to the management of the post-conflict period, a role which had been assumed by the Peacebuilding Commission.²⁴ Some speakers said they expected the Council to duly take into account and make better use of the advice of the Peacebuilding Commission.²⁵

The necessity for cooperation of the Council with the Secretary-General, the Secretariat and other United Nations organs was also pointed out by many other delegations.²⁶ Delegations also called for closer cooperation with regional and subregional organizations.²⁷

Most delegations agreed that the role of the Council in the area of conflict prevention must be strengthened. The representative of the United Kingdom, referring to the significance of resolution 1625 (2005) for the issue of conflict prevention, called for a stronger partnership between the Council and the Secretariat in this area, which was to be reached through implementation of that resolution.²⁸ The representative of the United States stressed that the Council must be able to identify and address new threats before they broke out into conflict.²⁹

Delegations also agreed that new threats could only be addressed in a comprehensive way which encompassed the areas of conflict prevention, peacebuilding, peacekeeping and post-conflict

¹⁶ *Ibid.*, p. 9 (China); p. 11 (Benin); and p. 15 (Denmark).

¹⁷ *Ibid.*, pp. 15-16.

¹⁸ *Ibid.*, p. 4.

¹⁹ *Ibid.*, p. 5 (Greece); and p. 7 (Argentina).

²⁰ *Ibid.*, pp. 12-13.

²¹ *Ibid.*, p. 14 (France); and p. 16 (Japan).

²² S/PV.5615, p. 2.

²³ For other aspects of the discussion see chap. XI, part V, sect. F, with regard to Articles 46 and 47 of the Charter.

²⁴ S/PV.5615, p. 3.

²⁵ *Ibid.*, p. 5 (Italy); p. 6 (Slovakia, United Kingdom); and p. 11 (Belgium).

²⁶ *Ibid.*, p. 4 (Qatar); pp. 7-8 (United Kingdom); p. 11 (Belgium); p. 14 (United States); p. 18 (Panama); p. 19 (China); and p. 21 (Russian Federation).

²⁷ *Ibid.*, p. 5 (Italy); p. 7 (Slovakia); p. 7 (United Kingdom); p. 10 (Ghana); p. 12 (Belgium); p. 17 (Indonesia); p. 16 (South Africa); p. 18 (Panama); p. 19 (China); p. 20 (Peru); and p. 21 (Russian Federation).

²⁸ *Ibid.*, pp. 7-8.

²⁹ *Ibid.*, pp. 13-14.

management and which meant that when addressing new challenges the Council must take into account the interrelatedness between peace, development and human rights.³⁰ The representative of South Africa said that issues of poverty and underdevelopment should and must be addressed by an organ with broader representation and the respective mandate rather than by the Council.³¹ The representative of Panama also stated that not all potential threats could or should be considered immediately by the Council as there were other organs in the United Nations that could and should also contribute to address these issues.³²

The representative of Indonesia reaffirmed that when addressing threats to international peace and security the Council should use sanctions only as a last resort and with a clear, transparent and measurable timetable and should provide an escape route to allow for reinstating peaceful settlement procedures.³³ The representative of South Africa stressed that the Council had increasingly dealt with issues outside of its mandate and resorted to Chapter VII of the Charter as an umbrella for addressing issues that might not necessarily pose a threat to international peace and security, when it could have resorted to other provisions of the Charter. He called for invoking Chapter VII as a last resort.³⁴ The delegation of Panama also reminded States that the Charter imposed on the Council the obligation to exhaust all mechanisms under Chapter VI and asked the Council to cooperate with regional organizations under Chapter VIII before considering sanctions or the use of force provided for in Chapter VII.³⁵

The representative of the United Kingdom called for more focused mandates for peacekeeping missions, with specific objectives to be achieved within given timeframes, and proposed that peacekeeping missions form part of a wider peacebuilding strategy to achieve the progress necessary so that such missions were no longer needed. To avoid the risk of peacekeeping missions becoming part of the landscape and allowing a status quo to persist, focus was needed on a coherent approach with the goal of resolving the underlying

issues.³⁶ The representative of Belgium warned about the risk of the indiscriminate proliferation of peacekeeping operations, stating that not all crises could be resolved in the same way.³⁷ The representative of the United States called for enhanced management and oversight of peacekeeping operations in cooperation with other United Nations bodies.³⁸

The President then made a statement on behalf of the Council,³⁹ by which the Council, *inter alia*:

Committed itself to work closely and in a focused and action-oriented manner with the Secretary-General;

Pledged to uphold the purposes and principles of the Charter of the United Nations; reaffirmed its commitment to the principles of sovereign equality, national sovereignty, territorial integrity and political independence of all States, and underlined further the need for respect for human rights and the rule of law;

Reaffirmed its commitment to address the whole range of threats to international peace and security, including armed conflict, terrorism and the proliferation of weapons of mass destruction;

Recognized the essential role of the United Nations in the global effort to combat terrorism and stood ready to play its part in the implementation of the United Nations Global Counter-Terrorism Strategy;

Reaffirmed its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons;

Underlined the need for improved United Nations capacity to assess conflict situations and for the effective planning and management of United Nations peacekeeping operations;

Requested the Secretary-General to focus in managing and reporting on peacekeeping missions on the steps needed to achieve the objectives of the mission;

Emphasized the importance of post-conflict peacebuilding to assist countries emerging from conflict in laying the foundation for sustainable peace and development;

Reaffirmed its commitment to working in partnership, with the Secretary-General and the Secretariat, other United Nations organs, regional, subregional and other intergovernmental organizations, with non-Council members, including those Member States that were parties to a conflict, and with troop-contributing countries, financial and other stakeholders in pursuit of the common objective of the maintenance of international peace and security.

³⁰ *Ibid.*, p. 4 (Qatar); p. 8 (United Kingdom); p. 9 (Ghana); p. 12 (Congo); p. 16 (South Africa); and p. 20 (Peru).

³¹ *Ibid.*, p. 16.

³² *Ibid.*, p. 18.

³³ *Ibid.*, p. 15.

³⁴ *Ibid.*, p. 17.

³⁵ *Ibid.*, p. 18.

³⁶ S/PV.5615, pp. 7-8.

³⁷ *Ibid.*, pp. 10-11.

³⁸ *Ibid.*, pp. 13-14.

³⁹ S/PRST/2007/1.

54. Letter dated 5 April 2007 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

Initial proceedings

Deliberations of 17 April 2007 (5663rd meeting)

At its 5663rd meeting, on 17 April 2007, the Security Council included in its agenda the item entitled “Letter dated 5 April 2007 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”. In addition to Council members, statements were made by 40 representatives.¹ The Council also heard a statement by the Secretary-General.

The President (United Kingdom) drew the attention of the Council to a letter dated 5 April 2007 from the representative of the United Kingdom,² transmitting a concept paper on the item under consideration. The President then drew the attention of the Council to a letter dated 12 April 2007 from the representative of Cuba,³ and a letter dated 16 April 2007 from Pakistan.⁴

¹ Statements were made by representatives of Argentina, Australia, Bangladesh, Barbados, Bolivia, Brazil, Canada, Cape Verde, the Comoros, Costa Rica, Cuba (on behalf of the Non-Aligned Movement), Denmark, Egypt, Germany (on behalf of the European Union), Iceland, India, Israel, Japan, Liechtenstein, Maldives, the Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Namibia, the Netherlands, New Zealand, Norway, Pakistan (on behalf of the Group of 77 and China), Palau, Papua New Guinea (on behalf of the Pacific Islands Forum Small Island Developing States), the Philippines, the Republic of Korea, Singapore, Solomon Islands, the Sudan (on behalf of the Group of African States), Switzerland, Tuvalu, Ukraine and Venezuela (Bolivarian Republic of).

² S/2007/186. The concept paper was entitled “Energy, security and climate”.

³ S/2007/203. In this letter, the representative of Cuba, in the capacity of Acting Chair of the Non-Aligned Movement, expressed, *inter alia*, his concern regarding “the continued and increasing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council and other organs through addressing issues which

In her opening remarks, the President stressed that the international community should recognize the negative impact of climate change on security. Asserting that this debate was not intended to pre-empt the authority of other United Nations bodies, she stressed that the decisions and actions taken in all those bodies required the fullest possible understanding of the issues involved.⁵

Recalling that, throughout human history, people and countries had fought over natural resources, and that too often war had been the means to secure possession over livestock, waterholes, oil, gold and other commodities, the Secretary-General said that the projected climate change could have not only serious environmental, social and economic implications, but also implications for peace and security. He therefore called for a “long-term global response” to deal with climate change.⁶

During the debate, speakers generally acknowledge that climate change presented serious global challenges, most representatives calling for international cooperation to tackle the problem in a holistic and preventive manner. Many speakers expressed the view that the need to promote energy to sustain economic growth had to be balanced with the need to protect the environment and reduce fossil fuel consumption.

Among the potential negative effects of climate change on international security, many speakers pointed to the worsening of drought and flooding, the spread of disease, food and water shortages, the displacement of people and increased migration. Several representatives stressed that the projected rise in sea levels posed an immediate threat to the survival of small island developing States and lowland areas. It

traditionally fall within the competence of the latter organs”.

⁴ S/2007/211. In this letter, the representative of Pakistan, as the Chair of the Group of 77 and China, stated, *inter alia*, that the Group felt that it was “inappropriate to consider the issue of energy in the Security Council”.

⁵ S/PV.5663, pp. 2-3.

⁶ *Ibid.*, pp. 13-14.

was noted that climate change most adversely affected those countries and peoples that were already struggling to achieve sustainable development, and which at the same time had contributed the least to carbon emissions.

On the linkage between climate change, energy and security, many speakers emphasized that the Council had the responsibility to consider the question, as it constituted one of the new threats to international peace and security the world was facing. They hoped that the debate would help to raise awareness and prompt further action to address the challenges.

The representative of Belgium opined that conventional security policies were still often based on obsolete threat assessments, and were more geared to managing crises than to preventing them. He further stressed that security policies exclusively based on national sovereignty appeared “less and less appropriate”.⁷

The representative of the United Kingdom stated that climate change was “transforming the way that we think about security”. Pointing to the possible consequences of climate change, including increased flooding, disease, drought and crop failure, and from that migration on an unprecedented scale and intensified competition for resources, she concluded that climate change reached to “the very heart of the security agenda”.⁸

The representative of Papua New Guinea, echoed by the representatives of Tuvalu, the Solomon Islands and the Marshall Islands, believed that the Council should keep the issue of climate change and environmental security on its agenda, and under permanent review. Recalling that the Security Council and the General Assembly had accepted the responsibility to protect, he stressed that the dangers facing the small islands and their populations because of climate change were no less serious than those faced by nations and peoples threatened by guns and bombs. The effects of climate change were likely to cause massive dislocations, hatred and alienation, just like any war or refugee crisis, he emphasized. He further opined that

the Council should ensure that all countries contributed to address the implications of climate change.⁹

Among other examples of the link between climate change and security cited during the debate, the representative of Germany, echoed by the representative of Israel, stressed that the scarcity of water, food and fertile land could contribute to “driving conflict”. She was also convinced that an overall framework of preventive diplomacy was needed to alleviate the worst foreseen consequences of climate change.¹⁰

While acknowledging the urgent need for the international community to address climate change and energy consumption implications, a number of speakers voiced the opinion that the Council was not the proper forum to discuss the issue. Stressing that energy and climate change were linked to development issues rather than to the threat to international peace and security, they were concerned that by convening this debate, the Council was further encroaching on the roles and responsibilities of other principal United Nations organs. They expressed the hope that the debate would not create a precedent or undermine the authority or mandate of the existing relevant bodies, processes and instruments. Speakers expressed the view that the United Nations Framework Convention on Climate Change was the appropriate forum for considering risks associated with and action to address climate change.¹¹ The representative of China said that the Council’s involvement in the issue would not benefit the ongoing discussion among Member States, since it did not have the necessary expertise.¹² The representative of South Africa hoped that the discussions would not in any way elevate the issue of climate or environment to an item on the agenda of the Council, while the representative of France commented

⁷ *Ibid.*, pp. 5-6.

⁸ *Ibid.*, pp. 18-19.

⁹ *Ibid.*, pp. 26-29 (Papua New Guinea); S/PV.5663 (Resumption 1), pp. 7-8 (Tuvalu); pp. 12-14 (Solomon Islands); and pp. 16-17 (Marshall Islands).

¹⁰ S/PV.5663, pp. 19-20 (Germany, on behalf of the European Union); and S/PV.5663 (Resumption 1), pp. 32-34 (Israel).

¹¹ S/PV.5663, pp. 9-10 (Qatar); pp. 12-13 (China); pp. 14-15 (Indonesia); pp. 15-17 (South Africa); p. 17 (Russian Federation); pp. 24-25 (Pakistan, on behalf of the Group of 77 and China); pp. 31-32 (Namibia); S/PV.5663 (Resumption 1), pp. 9-10 (Bangladesh); pp. 10-11 (Venezuela, Bolivarian Republic of); pp. 21-23 (India); and pp. 26-27 (Cuba).

¹² S/PV.5663, pp. 12-13.

that “institutional squabbling” was inappropriate given what was at stake.¹³

On the ways and means to address the issue of climate change, many speakers stressed that all Member States should meet their obligations under the Kyoto Protocol. The need to support the development and use of clean energy and to reduce gas emissions was underlined, as well as the need to prevent the negative effects arising from natural disasters. A number of speakers called on the international community to cooperate in researching and developing renewable and alternative energy resources.

On specific measures to address the problem, speakers attached great importance to the holding of the forthcoming fifteenth session of the Commission on Sustainable Development and the thirteenth session of the Conference of the Parties to the Framework Convention on Climate Change. The representative of Switzerland invited all stakeholders to participate in the first session of the Global Platform for Disaster Risk Reduction, to be held in Geneva in June. This

¹³ Ibid., pp. 10-11.

high-level event was intended to raise awareness and to consider ways and means to move disaster risk reduction higher up on the international policy agenda.¹⁴

While the representative of Italy called for the establishment of a United Nations environmental organization,¹⁵ the representative of the Netherlands urged the Secretary-General to alert the Council regarding climate-related challenges.¹⁶ The representative of Japan proposed that the Secretary-General be requested by the General Assembly to swiftly issue a report with recommendations on how best the United Nations system as a whole could organize itself to strengthen its capacity so that it would be able to address climate change more effectively. He also underlined the overriding importance of controlling greenhouse gas emissions and creating an effective post-Kyoto framework.¹⁷

¹⁴ Ibid., pp. 25-26.

¹⁵ Ibid., pp. 4-5.

¹⁶ Ibid., pp. 21-22.

¹⁷ Ibid., pp. 29-31.

55. Security Council mission

Overview

During the period under review, the Security Council completed 10 missions, which were discussed at 20 meetings under the item entitled “Security Council mission”. The missions’ destinations included several African countries,¹ as well as Afghanistan, Timor-Leste, Kosovo and Haiti, which was the first visit of a Security Council mission to Latin America and the Caribbean. The Council also held a follow-up meeting to its mission to Central Africa that had been conducted from 7 to 16 June 2003. In this study, the reports and meetings are discussed under headings corresponding to the missions, which are listed chronologically. A table at the end of the section lists all missions, including their destinations, composition and associated meetings.

¹ Burundi, Chad, Côte d’Ivoire, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Rwanda, Sierra Leone, Sudan, Uganda, United Republic of Tanzania.

1. Follow-up to mission to Central Africa, 7 to 16 June 2003

At its 4911th meeting, on 17 February 2004, the Security Council included in its agenda the progress report of the Secretary-General on the recommendations of the Security Council mission to Central Africa.² The Council heard a briefing by the Assistant Secretary-General for Political Affairs, following which statements were made by all Council members and the representatives of Burundi, Egypt, Ireland (on behalf of the European Union),³ Japan, Rwanda and the Syrian Arab Republic.

² S/2004/52.

³ The representative of Ireland spoke on behalf of the European Union and Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey.

The Assistant Secretary-General noted that substantial progress had been made in the peace processes in both Burundi and the Democratic Republic of the Congo since the Security Council mission to the region in June 2003. He noted the progress in setting up the transitional Government in the Democratic Republic of the Congo, and the conclusion of a comprehensive ceasefire agreement in Burundi, as well as the progress towards convening an international conference on the Great Lakes region.⁴ In their responses, speakers welcomed the progress made in Burundi and the Democratic Republic of the Congo, but underlined that there remained substantial work to be done to solidify the gains in the peace process.

2. Mission to West Africa, 20 to 29 June 2004

The Security Council mission to West Africa from 20 to 29 June 2004, led by the representative of the United Kingdom, visited seven countries.⁵ The mission met with the key national and regional stakeholders, including the Chairman and the Executive Secretary of the Economic Community of West African States (ECOWAS), the Heads of State and Government and senior officials of Côte d'Ivoire, Guinea, Guinea-Bissau, Liberia, Nigeria and Sierra Leone, and representatives of civil society and non-governmental organizations.

Underlining the importance of a regional and collective approach to achieve sustainable peace and development in West Africa, the mission commended the work of ECOWAS in conflict prevention, peacekeeping and peacebuilding in the region. The mission also reported the need for the Security Council to monitor the commitments by the parties in Côte d'Ivoire to implementing the Linas-Marcoussis Agreement, which had suffered a serious setback. It found Liberia on the right track towards free, fair and transparent elections in 2005 despite major challenges, saw the immediate priority for Sierra Leone as preparing to take full responsibility for its own security, and noted the considerable progress already

made by Guinea-Bissau towards democracy and good governance since the coup of September 2003.⁶

Deliberations of 30 June and 16 July 2004 (5000th and 5005th meetings)

At its 5000th meeting, on 30 June 2004, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission to West Africa". In his briefing, the head of the mission, the representative of the United Kingdom, reported that the aims of the mission were to identify a coherent strategy to support the efforts of ECOWAS, to build on existing cooperation among United Nations missions and the United Nations bodies in the subregion and to assess overall progress towards the Council's objectives of furthering peace and regional security. Conveying the findings of the mission as reflected in its report, he underlined the need for more effective conflict-prevention policies as well as a better definition of the relationship between United Nations peacekeeping and regional efforts. The speakers in general agreed upon the utility of the mission, especially in delivering the message of the Council.⁷

At its 5005th meeting, on 16 July 2004, the Council included in its agenda the report of the Security Council mission to West Africa from 20 to 29 June 2004.⁸ The Council heard a briefing by the head of the mission, the representative of the United Kingdom, who noted the need to support positive developments in West Africa and underlined the importance of a regional approach to tackle the issues which affected most of the countries in one way or the other.⁹ Many speakers commended the role of ECOWAS in maintaining security and promoting development in the region.¹⁰ Among many issues, a number of speakers discussed the political impasse in Côte d'Ivoire and the way forward to deal with the

⁶ See the report of the mission (S/2004/525).

⁷ S/PV.5000, pp. 5-6 (France); p. 7 (Angola); and p. 8 (Russian Federation).

⁸ S/2004/525.

⁹ S/PV.5005, pp. 2-3.

¹⁰ *Ibid.*, p. 7 (Guinea); p. 10 (Nigeria); p. 14 (Netherlands, on behalf of the European Union); p. 16 (Japan); p. 18 (Algeria, Brazil); p. 20 (Philippines); p. 21 (China); p. 22 (United States); p. 23 (Pakistan); and p. 24 (Chile).

⁴ S/PV.4911, pp. 2-4.

⁵ Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria and Sierra Leone. The mission's visit to Guinea-Bissau was conducted jointly with the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau.

situation.¹¹ For his part, the representative of Côte d'Ivoire explained that not holding elections was a necessity as accepted by the people of Côte d'Ivoire when rebels were not disarmed and consequently its territorial integrity was in jeopardy.¹²

3. Mission to Central Africa, 21 to 25 November 2004

The Security Council mission to Central Africa from 21 to 25 November 2004 was led by the representative of France. The mission immediately followed the meetings of the Security Council held in Nairobi on 18 and 19 November, and visited Kigali, Kinshasa, Bukavu, Bujumbura and Entebbe. The mission met with the President of Rwanda, Paul Kagame; the President of the Democratic Republic of the Congo, Joseph Kabila; the President of Burundi, Domitien Ndayizeye; and the President of Uganda, Yoweri Kaguta Museveni. It also met with a number of other government officials and was briefed in Kinshasa and Bukavu by the United Nations Organization Mission in the Democratic Republic of the Congo and in Bujumbura by the United Nations Operation in Burundi. The mission found that the primary challenges facing Burundi and the Democratic Republic of the Congo were strikingly similar: the need to accelerate the implementation of the outstanding aspects of the transitional agenda and conduct credible elections that would lead to durable peace and stability.¹³

Deliberations of 30 November and 8 December 2004 (5091st and 5096th meetings)

At its 5091st meeting, on 30 November 2004, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission to Central Africa". The Council heard a briefing by the head of the mission, the representative of France, who noted that the purpose of the mission had been to assess the progress of the Burundian and Congolese peace processes and the implications for the region and

to send a message aimed at pushing the process forward. He stated that the mission had come back encouraged because, compared to the previous mission in June 2003, they had seen how much progress had been achieved. However, he underlined that it was crucial that the elections scheduled for the following year were not jeopardized by new outbreaks of violence. He acknowledged that the peace remained fragile and called attention to the ongoing problems with armed groups that had been raised by all the Heads of State in the region, particularly in the Kivus in the eastern Democratic Republic of the Congo.¹⁴

At its 5096th meeting, on 8 December 2004,¹⁵ the Security Council included in its agenda the report of the Security Council mission to Central Africa, 21 to 25 November 2004.¹⁶ The Council heard a briefing by the head of the mission, the representative of France, who reiterated the conclusions set out in the report and noted that the Council had followed some of the recommendations of the mission in adopting a presidential statement on the Democratic Republic of the Congo,¹⁷ and by renewing the mandate of ONUB and expressing its intention to review measures that could be taken with respect to the Forces nationales de libération against those who would compromise the peace and reconciliation process.¹⁸ Speakers welcomed the progress made in the region and endorsed the recommendations of the mission. They also underlined the need for the international community to continue to provide strong support to prevent any backsliding on commitments.

The representative of the Democratic Republic of the Congo complained that Rwanda continued to make threats towards his country in a deliberate attempt to prolong insecurity in the eastern part of the Democratic Republic of the Congo in order to disrupt the transition process under way and prevent the holding of elections. He emphasized that all incursions by foreign forces, including those of Rwanda, would require the Government to strictly implement Article 51 of the Charter and the right to self-defence.¹⁹ The

¹¹ Ibid., pp. 6-7 (Ghana, on behalf of ECOWAS); p. 10 (Nigeria); pp. 13-14 (Netherlands, on behalf of the European Union); p. 15 (Japan); p. 18 (Algeria, Brazil); p. 19 (Russian Federation); p. 22 (Pakistan); and p. 24 (Chile).

¹² Ibid., p. 4.

¹³ See the report of the mission (S/2004/934).

¹⁴ S/PV.5091, pp. 2-4.

¹⁵ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 3, with regard to Article 2 (4) of the Charter.

¹⁶ S/2004/934.

¹⁷ S/PRST/2004/45.

¹⁸ S/PV.5096, pp. 2-3.

¹⁹ Ibid., p. 4.

representative of Rwanda denied the allegations pertaining to the presence of Rwandan army troops and stressed that it had deployed troops along the common border with the Democratic Republic of the Congo in order to counter incursions perpetrated by former members of the Forces armées rwandaises interahamwe, which the Government of the Democratic Republic of the Congo had yet to fulfil its commitment to disarm.²⁰

4. Mission to Haiti, 13 to 16 April 2005

The Security Council mission to Haiti from 13 to 16 April 2005 was led by the representative of Brazil and was the first mission of the Security Council to Latin America or the Caribbean. The mission was undertaken in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council and visited Port-au-Prince, Cap-Haïtien and Gonaïves. During the mission, the Council met with the interim President and Prime Minister, as well as various other political and religious figures. In their report,²¹ the members of the mission observed that national actors in Haiti had agreed that the country was in a deep political, social and economic crisis. The mission observed that State institutions were weak and in great need of reform and capacity-building. It said that there was no alternative to the holding of free, fair and inclusive elections and stressed the importance of the reform and professionalization of the Haitian National Police without delay. The mission requested the Department of Peacekeeping Operations to make a comprehensive review of the security situation in Haiti; formulate early recommendations on the need for additional police and military resources and how to improve the rules of engagement of the civilian police, in accordance with the mandate, in order to increase global security and protection during the electoral period. Finally it reaffirmed that a long-term United Nations presence in Haiti was required.

Deliberations of 20 April and 13 May 2005 (5164th and 5178th meetings)

At its 5164th meeting, on 20 April 2005, the Council included in its agenda the item entitled “Briefing by the head of the Security Council mission

to Haiti”. The Council heard a briefing by the head of the mission, the representative of Brazil, who reported that, despite the tragic loss of four peacekeepers to date, the mission had assessed the security situation in Haiti as gradually improving. Notwithstanding this progress, he said that the security situation remained fragile and that there had been discussions on possible additional measures to assist the Transitional Government in the constitutional and political process. He reported that mission members had condemned the violence and called on the Haitian authorities to implement a comprehensive disarmament, demobilization and reintegration programme. The mission members had stressed the importance of the nationwide dialogue for long-term stability in the country and encouraged the Transitional Government to persist in its firm commitment to holding free, honest and transparent elections in 2005 in accordance with the established timetable. They reaffirmed the importance of the respect of human rights and the end of impunity in Haiti and underlined the need for reform of the Haitian National Police and the judicial system. He also reported that mission members reiterated their intention to fully respect Haitian sovereignty, to contribute to the achievement of stabilization and development and to ensure a long-term United Nations presence in Haiti.²²

At its 5178th meeting, on 13 May 2005, the Council included in its agenda the report of the Security Council mission to Haiti.²¹ The Council heard a briefing by the head of the mission, the representative of Brazil. He introduced the report of the mission, and said that there could be no genuine stability in Haiti without comparable advances in the creation of a safe and secure environment, in the political dialogue with a view to national reconciliation, in the observance of human rights, and in the promotion of social and economic development.²³

In their statements, most speakers welcomed the report of the mission and its main recommendations. They stressed the importance of holding free, fair and inclusive elections on schedule, but underlined that more would be needed to solve Haiti’s complex problems. Many speakers underlined the necessity of providing security for the upcoming elections and expressed their readiness to consider an increase in

²⁰ *Ibid.*, pp. 10-11.

²¹ S/2005/302.

²² S/PV.5164, pp. 2-4.

²³ S/PV.5178, p. 3.

personnel, including civilian police, for the United Nations Stabilization Mission in Haiti. The representative of Haiti endorsed the recommendations in the report of the mission and announced that the Government would take a set of measures to create a stable environment conducive to the elections. He reaffirmed that the Transitional Government resolutely intended to organize the elections by the end of the year and would definitely hand power over to the elected President.²⁴

5. Mission to Central Africa, 4 to 11 November 2005

The Security Council mission to Central Africa from 4 to 11 November 2005 was led by the representative of France and met with the Presidents of the visited countries (Burundi, Democratic Republic of the Congo, Rwanda, Uganda, United Republic of Tanzania), as well as a wide variety of political figures. In its report,²⁵ the mission noted that in the Democratic Republic of the Congo preparations were under way for the holding of a constitutional referendum on 18 December, and for legislative and presidential elections to be completed before the end of the transitional period, on 30 June 2006. The installation in September 2005 of a democratically elected Government in Burundi had inaugurated the post-transitional phase. In addition to examining progress in the political transitions, the mission also addressed the issue of armed groups and violence in the Kivus, Ituri and other areas in the region and called on the countries visited to work together to eliminate the threat to peace and security through greater cooperation.

Deliberations of 15 November and 6 December 2005 (5305th and 5315th meetings)

At its 5305th meeting, on 15 November 2005, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission to Central Africa". In his briefing, the head of the mission, the representative of France, reviewed the outcomes of the mission, stating that the main challenges in the Democratic Republic of the Congo were the tight electoral timetable, integrating the police and the army, re-establishing State authority across the

²⁴ Ibid., pp. 23-25.

²⁵ S/2005/716.

country and dealing with armed groups in the east. In Burundi, the mission had met a young Government, which was resolved to fully implement the reforms begun during the transition period, and had discussed the gradual withdrawal of the United Nations presence there and the continued refusal of the Forces nationales de libération to join the peace process.²⁶

At its 5315th meeting, on 6 December 2005, the Council included in its agenda the report of the Security Council mission to Central Africa, 4 to 11 November 2005,²⁵ and heard a briefing by the head of the mission, the representative of France. He reiterated the main points of the report and the challenges facing the Democratic Republic of the Congo and Burundi.²⁷ In their statements, most speakers welcomed the report of the mission and expressed support for its recommendations, while welcoming the progress made in the two countries during their political transitions and underlining the importance of the upcoming elections in the Democratic Republic of the Congo.

6. Mission to the Sudan and Chad, 4 to 10 June 2006

The Security Council mission to the Sudan and Chad from 4 to 10 June 2006 was headed jointly by the representatives of France and the United Kingdom. The mission visited Khartoum, Juba and El Fasher in the Sudan, the African Union headquarters in Addis Ababa, and N'Djamena and Goz Beida in Chad, and met with the Presidents of the Sudan and Chad, senior officials of the Government of Southern Sudan, the leadership of the African Union Mission in the Sudan (AMIS), other civil society figures in Darfur and members of the African Union Commission among others. In its report,²⁸ the mission observed, inter alia, widespread insecurity and a humanitarian crisis in the Sudan; increasing tensions and distrust between Chad and the Sudan; the opposition of Sudanese leaders to a United Nations force under Chapter VII in Darfur to replace AMIS, but support from the African Union for a transition to a United Nations operation; frequent rebel movement through, and recruitment within, camps of internally displaced persons in Chad, and the formal appeal by the President of Chad to the Council for the

²⁶ S/PV.5305, pp. 2-4.

²⁷ S/PV.5315, pp. 2-4.

²⁸ S/2006/433.

United Nations to provide security for the camps. It recommended, *inter alia*, obtaining further support from non-signatories of the Darfur Peace Agreement; strengthening AMIS; the need for the United Nations to work in partnership with the Government of the Sudan; regular dialogue between the Security Council and the Government of the Sudan; and a stronger partnership between the United Nations and the African Union.

Deliberations of 15 and 29 June 2006 (5462nd and 5478th meetings)

At its 5462nd meeting, on 15 June 2006,²⁹ the Council included in its agenda the item entitled “Briefing by the Security Council mission to the Sudan, Chad and the African Union Headquarters in Addis Ababa”. The briefing was delivered by the representative of the United Kingdom, in his capacity as head of the mission to the Sudan and Chad, the representative of France, in his capacity as joint head of the mission to Chad, and the representative of the United Republic of Tanzania, a member of the mission.

The representative of the United Kingdom said that the support by the Government of the Sudan for an African Union rather than a United Nations force was based on the belief that African States had a similar heritage to that of the people of Darfur. He, therefore, held that the Council needed to stress that any United Nations force in Darfur would have a strong African participation and character. He underlined that the mission had emphasized the Council’s respect for the sovereignty and territorial integrity of the Sudan, and its hope of working in partnership with the Government of the Sudan. He underlined the importance of urgently selling the Darfur Peace Agreement to the people in the region to ensure its implementation. He noted that the Council mission and the African Union were in full agreement that the United Nations should take over the peacekeeping role in Darfur at the earliest opportunity. He recalled that a primary purpose of the Council’s visit to the Sudan had been to persuade the Government that a United Nations deployment would be the best option for Darfur and for the country, including by underlining that a Chapter VII mandate would be required for technical, not political purposes. He advocated, *inter alia*, securing the agreement of the Government of the Sudan on strengthening AMIS, and

identifying the arrangements for a gradual transition to a United Nations force. On the mission’s visit to Chad, he underlined the enormous scale of the camps in the area bordering Darfur, and deplored the fact that recruitment and intimidation were carried out regularly by rebel groups inside the camps.³⁰

The representative of France, in his capacity as joint head of the mission to Chad, underlined the impact of the conflict in Darfur on the situation in Chad. He pointed out that the relationship between the Sudan and Chad had greatly deteriorated. He believed that politicization in the camps was a serious problem. Finally, he deplored attacks on humanitarian workers, and noted that the President of Chad had said that his Government was unable to deal with that problem and would like the international community to take responsibility for protecting the camps and the humanitarian workers.³¹

The representative of the United Republic of Tanzania, a member of the Council mission, noted that the unanimous adoption of resolution 1679 (2006), with its “necessary but perhaps premature reference to Chapter VII” had set a difficult stage for the mission, and had provided an excuse for the Sudan to take a harder line on the proposed transition from AMIS to a United Nations peacekeeping force. He said that the mission had tried to convince the authorities in the Sudan that the transition from AMIS to a United Nations force was not an option, but an obligation. He also indicated that the implementation of the Comprehensive Peace Agreement was behind schedule and said that efforts needed to be made on, *inter alia*, demarcation of the boundaries of southern Sudan; resolution of the status of Abyei, where oil resources were at the centre of the controversy; and demobilization and redeployment of forces. He expressed concern about the Lord’s Resistance Army (LRA), and noted that while the leadership of the Government of Southern Sudan had been careful to make a distinction between the negotiations for peace and the indictment of the five LRA leaders indicted by the International Criminal Court, they had in principle agreed on the need to apprehend the indictees. On the visit to Addis Ababa, he recalled that the African Union had requested an expeditious transition to a United Nations operation in Darfur, and even asked the North

²⁹ For more information on the discussion at this meeting, see chap. XII, part III, sect. A, with regard to Chapter VIII of the Charter.

³⁰ S/PV.5462, pp. 2-6.

³¹ *Ibid.*, pp. 6-7.

Atlantic Treaty Organization (NATO) for logistical support to strengthen AMIS.³²

At its 5478th meeting, on 29 June 2006, the Council included in its agenda the report of the Security Council mission to the Sudan and Chad.²⁸ The Council heard briefings by the heads of the mission, the representatives of the United Kingdom and France. The representative of the United Kingdom, in his capacity as head of the mission to the Sudan and Chad, stressed the Council's support for the sovereignty and territorial integrity of the Sudan, but also underlined the need for progress in the political, humanitarian and security situation, and believed that it would be right for the United Nations to take over the peacekeeping operation in Darfur.³³ The representative of France, in his capacity as joint head of the mission to Chad, urged the Council to closely examine the effects of the conflict in Darfur on the situation in Chad, as the African Union had expressed concern about the destabilizing impact on the subregion. Expressing serious concern about the humanitarian situation in the camps, he urged the Council to study ways of addressing those problems.³⁴

In their statements, participants stressed, inter alia, the importance of implementing the Tripoli Agreement and the Comprehensive Peace Agreement; the dissemination of the content of the Darfur Peace Agreement; dialogue with the Government of the Sudan; the question of international protection of the camps; the problem of LRA; the transition from AMIS to a United Nations peacekeeping operation in Darfur; the strengthening of the cooperation between the United Nations and the African Union; and the need to address the humanitarian situation and to ensure protection of civilians.

The representative of the Sudan expressed appreciation that the members of the mission of the Security Council had been able to visit southern Sudan to follow the implementation of the Comprehensive Peace Agreement on the ground, including the impact of the lack of resources from donors, as well as to see for themselves the realities and complexities of the situation in Darfur, including the external dimension relating to the situation between Chad and the Sudan. He stated that the priority of the Government of the

Sudan was successfully implementing both the Comprehensive Peace Agreement and the Darfur Peace Agreement. He hoped that the Council would exert pressure on those parties which had not signed the Darfur Peace Agreement and were hindering its implementation. He deplored the fact that Chad was at the time engaged in making false accusations against the Sudan and in supporting those groups that had refused to sign the Darfur Peace Agreement.³⁵

The representative of Chad welcomed the Council's visit to his country and noted that a response to the accusations and remarks by the representative of the Sudan would be forthcoming in due time.³⁶

7. Mission on the electoral process in the Democratic Republic of the Congo, 10 to 12 June 2006

The Security Council mission on the electoral process in the Democratic Republic of the Congo from 10 to 12 June 2006 was led by the representative of France. According to its mandate, it was to emphasize that the transition in that country, which had entered its last phase, would not be complete until free elections open to all had taken place, and encourage the transitional authorities to increase their efforts to guarantee the democratic character of the electoral process.³⁷

Deliberations of 16 June and 6 July 2006 (5466th and 5482nd meetings)

At its 5466th meeting, on 16 June 2006, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission to the Democratic Republic of the Congo". In his briefing, the head of the mission, the representative of France, noted that the mission had taken place just a few weeks prior to the presidential and legislative elections in the Democratic Republic of the Congo to be held on 30 July, which marked the end of the transition, and said that the elections had been the first priority of the mission. He noted that, despite security incidents in Ituri and the east, the successful police training programme and the establishment of a European standby reserve force meant that security

³² Ibid., pp. 8-10.

³³ S/PV.5478, pp. 2-3.

³⁴ Ibid., p. 3.

³⁵ Ibid., pp. 5-7.

³⁶ Ibid., p. 7.

³⁷ S/2006/344, annex.

was unlikely to be a major problem. The members of the mission had informed everyone they had spoken to of the importance of free and fair elections and that the blunders in the pre-election campaign, particularly in the media, which had conveyed messages of exclusion and division on the subject of “Congolese-ness”, needed to be avoided. Looking to the post-election period he stated that the mission had emphasized three priorities, namely, the swift completion of the effort to form an integrated and professional national army; resolving the problem of armed groups in the east; and improving the administration of the State.³⁸

At its 5482nd meeting, on 6 July 2006, the Council included in its agenda the report of the Security Council mission on the electoral process in the Democratic Republic of the Congo.³⁹ The Council heard a briefing by the head of the mission, the representative of France, who reiterated his key points on the importance of free and fair elections and the elimination of restrictions on the press, and on the ongoing need for security sector reform.⁴⁰

The representative of the Democratic Republic of the Congo, while reaffirming the importance of fair access to the media, also stressed the importance of doing everything possible to ensure that messages of hate and exclusion were expunged from the electoral campaign. He stressed his Government’s commitment to holding the elections and ending the transitional period, and noted that once the elections were over his country would be requesting additional assistance from the United Nations in the area of the restructuring and reform of the army and the police as well with the disarmament, demobilization and reintegration of former combatants.⁴¹

Most speakers stressed the importance of a free media for the successful holding of elections, while cautioning that the media needed to display a responsible attitude. Several speakers also stressed that the real test of the elections would be the way that the results and transition would be handled. They further underlined that many challenges remained ahead.

³⁸ S/PV.5466, pp. 2-4.

³⁹ S/2006/434.

⁴⁰ S/PV.5482, pp. 2-3.

⁴¹ *Ibid.*, pp. 4-6.

8. Mission to Afghanistan, 11 to 16 November 2006

The Security Council mission to Afghanistan from 11 to 16 November 2006 was led by the representative of Japan. The primary purpose of the mission was to reaffirm the continued commitment by the international community to the Afghan process and to affirm the Council’s support for the Afghan efforts for security, governance and development. The mission was directed to review progress on counter-narcotics, the disbandment of illegal armed groups, human rights protection, public sector reform, justice sector reform and rule of law issues. It was also tasked with reviewing the status of international assistance. The mission met with the President of Afghanistan and several senior government officials, as well as civil society, the Agency Coordinating Body for Afghan Relief, the International Security Assistance Force (ISAF), the United Nations Assistance Mission in Afghanistan (UNAMA) and United Nations agencies. In Pakistan, the mission met with the Foreign Secretary.⁴²

Deliberations of 22 November 2006 (5570th meeting)

At its 5570th meeting, on 22 November 2006, the Council included in its agenda the item entitled “Briefing by the head of the Security Council mission to Afghanistan”. The Council heard a briefing by the head of the mission to Afghanistan, the representative of Japan, who reported that the process of establishing democratic institutions was moving forward in Afghanistan, yet at the same time there was a sense of backsliding among the Afghan people as an increasing insurgency and other social ills challenged the weak and fragile State. He emphasized that security was the number one issue of concern in Afghanistan and that the insurgency had to be dealt with through robust military and law enforcement measures. He further said that the failure of the Government to provide either security or other economic and social services and the widespread corruption in the ranks of State and provincial institutions, including the influence of warlords, had contributed to the loss of faith by the Afghan people. Additional issues of concern were narcotics and the negative impact of the security situation on human rights conditions. He underlined that

⁴² See the report of the mission (S/2006/935).

the Afghan Compact⁴³ remained the best framework for cooperation and promise, but also that further regional cooperation could strengthen the reconstruction of Afghanistan and be of critical importance to peace and security in the region. Lastly he said that the Presidents of Afghanistan and Pakistan stressed a desire for optimal relations between the two countries.⁴⁴

**Deliberations of 7 December 2006
(5581st meeting)**

At its 5581st meeting, on 7 December 2006, the Council included in its agenda the report of the Security Council mission to Afghanistan.⁴⁵ The Council heard a briefing by the head of the mission, the representative of Japan, who emphasized the positive developments in Afghanistan, such as economic growth, infrastructure and developments in educational and rural programmes as well as in the security institutions. He reaffirmed the points of concern raised in his briefing at the previous meeting and presented the mission's recommendations for addressing those concerns, for instance by means of the Afghan Compact and increased international commitment to ISAF.⁴⁶

Most speakers welcomed the findings and recommendations of the mission and underlined the vital need for continued United Nations assistance in the stabilization and strengthening of Afghanistan, particularly in the area of security. The representative of the United Kingdom suggested providing international mentors for the counter-narcotics police of Afghanistan to support the Government in its national drug control strategy. Moreover he urged the Government to reconsider any suggestions for abolishing the Ministry of Women's Affairs, as the Ministry played an integral role in ensuring the full participation of women in all aspects of peace consolidation and peacebuilding in Afghanistan.⁴⁷ The representative of France reiterated his delegation's wish that the presence of UNAMA be extended to new provinces, subject to security conditions.⁴⁸ The representative of Afghanistan urged strict compliance of States with the Declaration on

Measures to Eliminate International Terrorism,⁴⁹ as well as resolution 1373 (2001), as this would contribute significantly to peace and stability in Afghanistan. He requested the provision of additional resources to Afghanistan's security institutions in order to increase their effectiveness. He further reiterated his country's need for sustained international support for the implementation of the Afghan Compact and Afghanistan's interim national development strategy.⁵⁰ The representative of Finland, speaking on behalf of the European Union and aligned countries, encouraged the Government of Afghanistan to reinforce its commitment to human rights and reconciliation. She highlighted the European Union's support for the plans to expand the presence of UNAMA if security permitted.⁵¹ The representative of Norway emphasized the importance of enhancing the coordination role of UNAMA, particularly strengthening civil-military coordination. Moreover he stressed the importance of making the empowerment of women a cross-cutting priority, in line with resolution 1325 (2000) on women and peace and security.⁵² The representative of the Islamic Republic of Iran urged that contacts and talks with terrorists or criminals should be avoided if they could be wrongly interpreted as rewarding violence. He expressed his concern over the lack of serious discussion on refugees during the mission's visit and in its report.⁵³ The representative of Pakistan asked other countries to refrain from "exaggerations", "allegations", and rejected "insinuations of Pakistan's providing sanctuaries or of any training and recruitment in Pakistan". He emphasized Pakistan's belief that the Taliban were a common threat to Afghanistan and Pakistan. He stressed his country's demand for a matching effort by ISAF and the Afghan National Army to control the long and difficult border. He said that the international community had avoided seriously addressing the problem of Afghan refugees and that his country planned to return all 3 million refugees to Afghanistan in order to put an end to cross-border allegations.⁵⁴

⁴³ The Afghan Compact was a plan for cooperation between the international community and the Government of Afghanistan.

⁴⁴ S/PV.5570, pp. 3-5.

⁴⁵ S/2006/935.

⁴⁶ S/PV.5581, pp. 2-6.

⁴⁷ *Ibid.*, pp. 7-8.

⁴⁸ *Ibid.*, p. 11.

⁴⁹ General Assembly resolution 49/60, annex.

⁵⁰ S/PV.5581, pp. 11-14.

⁵¹ *Ibid.*, pp. 14-15.

⁵² *Ibid.*, pp. 19-20.

⁵³ *Ibid.*, pp. 20-21.

⁵⁴ *Ibid.*, pp. 22-24.

9. Mission on the Kosovo issue, 25 to 28 April 2007

The Security Council mission on the Kosovo issue from 25 to 28 April 2007 was led by the representative of Belgium. The mission had three objectives, namely, to obtain first-hand information on progress made in Kosovo since the adoption of Council resolution 1244 (1999), including on the implementation of the agreed standards; to receive information directly from the leadership of Serbia and the Provisional Institutions of Self-Government of Kosovo and from representatives of Kosovo's ethnic minorities on the current political, social and economic situation in Kosovo, as well as on the regional situation; and to receive information directly from representatives of the international community, in Brussels and on the ground, on the current political, social and economic situation in Kosovo, as well as on the regional situation. The mission met with the Prime Minister and the President of Serbia, the President and Prime Minister of Kosovo, representatives of Kosovo Serbs, the Islamic community and the Catholic Church, as well as with representatives of non-Serb minorities in Kosovo. Before visiting the region, the mission visited Brussels on 25 April, where it had discussions with the Secretary-General of NATO; the Special Envoy of the European Union for Kosovo, and the European Enlargement Commissioner.⁵⁵

Deliberations of 2 and 10 May 2007 (5672nd and 5673rd meetings)

At its 5672nd meeting, on 2 May 2007, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission on the Kosovo issue". The Council heard a briefing by the head of the mission, the representative of Belgium, who reported that, at the meetings in Brussels, representatives of NATO and the European Union believed that the status quo was untenable and a delay in the determination of Kosovo's status could put Kosovo and the region at risk. They stressed that the final decision on the status of Kosovo should be endorsed by a Security Council resolution under Chapter VII of the Charter. Whereas the representatives of Serbia, including the Prime Minister and the President, rejected any solution that would entail any form of independence for Kosovo, the representatives of

Kosovo, including the Prime Minister and the President, expressed their unanimous support for the Kosovo settlement proposal and status recommendation. Both sides also raised concerns about the return of internally displaced persons, which had been very limited thus far. Whereas most Kosovo representatives including the leaders of the minority communities expressed their commitment to an independent multi-ethnic State, the Kosovo Serb representatives did not view independence as an option. He reported that the Special Representative of the Secretary-General had underlined that the United Nations Interim Administration Mission in Kosovo had achieved everything that was achievable. It had established Provisional Institutions of Self-Government, rule of law structures and institutions required for a market economy, but further progress was dependent on a resolution of Kosovo's status.⁵⁶

At its 5673rd meeting, on 10 May 2007, the Council included in its agenda the report of the Security Council mission on the Kosovo issue.⁵⁷ The Council heard a briefing by the head of the mission, the representative of Belgium, who emphasized that the security situation in Kosovo was "calm but tense". He reiterated the positions of the parties, but said that, despite the strongly opposed positions, both parties had agreed that the status quo was not sustainable.⁵⁸

Most speakers welcomed the improvement in the security situation and the development of new institutions, but expressed concern at the ongoing stalemate over the status question, stressing that the situation needed careful consideration by the Council. The representative of the Russian Federation said that the status situation had to be resolved on the basis of a compromise between the two parties.⁵⁹ On the other hand, several speakers expressed support for the proposal of the Special Envoy of the Secretary-General on Kosovo's future status,⁶⁰ who had recommended independence for Kosovo under international supervision, despite the lack of agreement between the parties.⁶¹ The representative of Panama proposed that the Council adopt the Special Envoy's proposal immediately, but that the decision not come into force

⁵⁶ S/PV.5672, pp. 2-3.

⁵⁷ S/2007/256.

⁵⁸ S/PV.5673, pp. 2-4.

⁵⁹ *Ibid.*, p. 5.

⁶⁰ S/2007/168/Add.1 and 2.

⁶¹ *Ibid.*, p. 5 (Peru); p. 7 (Ghana); p. 9 (Panama); p. 12 (United Kingdom); and p. 13 (United States).

⁵⁵ See the report of the mission (S/2007/256).

until after a six-month waiting period, so that another attempt could be made to reach consensus.⁶² The representative of Peru added that returning Kosovo to Serbian sovereignty was not a realistic solution for this situation.⁶³ The representative of France referred to the “regrettable fact” that the positions of the parties were irreconcilable, which, he added, “would not change with time”. He underlined that it was necessary to give Kosovo a new status and that it was now up to the Security Council to take on its responsibility to guarantee the success of the process.⁶⁴

10. Mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa, 14-21 June 2007

The Security Council mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa, from 14 to 21 June 2007 was led by different members of the Council for different areas. The mission to Addis Ababa, Khartoum and Accra was led by the representatives of South Africa and the United Kingdom. The mission met in Addis Ababa with the Chairperson and other members of the African Union Commission and the African Union Peace and Security Council. In Khartoum and Accra, the mission met with several high-level government officials, among them the President of the Sudan and the President of Ghana. The purpose of the mission to Addis Ababa and Accra was to exchange views with the leadership of the African Union on ways of optimizing the relationship between the Security Council and the African Union in the maintenance of peace and security in Africa. The purpose of the meeting with the President of the Sudan was to reaffirm the Council’s commitment to the sovereignty, unity and territorial integrity of the Sudan. In Abidjan, the mission, led by the representative of Peru, met with the President of Côte d’Ivoire and other high-level officials for the purpose of supporting the Ouagadougou Political Agreement⁶⁵ and stressing the need for a final settlement as well as addressing the grave humanitarian and grave socioeconomic crises the country was facing. In Kinshasa, the mission, led by the representative of France, met with the President of the Democratic Republic of the Congo and other

government officials. The purpose of the visit was to reaffirm the Council’s commitment to support national efforts to stabilize the east of the country.⁶⁶

Deliberations of 26 June and 16 July 2007 (5706th and 5717th meetings)

At its 5706th meeting, on 26 June 2007, the Council included in its agenda the item entitled “Briefings by the heads of the Security Council mission to Africa”. The Council heard a briefing by the four heads of the mission, the representatives of South Africa, the United Kingdom, Peru and France. The representatives of South Africa and the United Kingdom who jointly led the mission to Addis Ababa, Khartoum, and Accra, emphasized the importance of cooperation with the African Union, particularly with its Peace and Security Council. Moreover the representative of South Africa underlined the need for resource assistance to the African Union in order to support its missions. In regard to the Sudan, the two heads of mission emphasized that Sudanese officials in Khartoum had indicated their positive acceptance of the hybrid force of United Nations and African Union peacekeepers in Darfur.⁶⁷

The representative of Peru, who led the mission to Abidjan, stressed the positive developments in Côte d’Ivoire in regard to the Ouagadougou Political Agreement, such as the determination of the parties to apply the agreement and the overall improvement in security. He noted elements of concern, however, such as active militias in the western part of the country, a high rate of criminality, illegal control posts and little progress in the areas of disarmament, demobilization and reintegration and the reform of the security forces.⁶⁸

The representative of France, who led the mission to Kinshasa, stressed the need for security sector reform in the Democratic Republic of the Congo, identifying the role of the opposition after the latest successful elections. He expressed concern particularly over the situation in the Kivus, noting that the instability there was the most pressing concern of the Congolese authorities.⁶⁹

At its 5717th meeting, on 16 July 2007, the Council included in its agenda the report of the

⁶² Ibid., p. 9.

⁶³ Ibid., p. 5.

⁶⁴ Ibid., p. 6.

⁶⁵ S/2007/144, annex.

⁶⁶ See the report of the mission (S/2007/421 and Corr.1).

⁶⁷ Ibid., pp. 2-3 (South Africa); and p. 4 (United Kingdom).

⁶⁸ Ibid., pp. 5-6.

⁶⁹ Ibid., pp. 7-8.

Security Council mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa, 14 to 21 June 2007.⁷⁰ The Council heard a briefing by the four heads of the mission, the representatives of South Africa, the United Kingdom, Peru and France, who again emphasized the events and issues they had addressed in their previous briefing. The representatives of Ghana, Belgium and China supported the conclusions and recommendations of the mission.⁷¹ The representative of Ghana encouraged the use of the African Union framework for post-conflict reconstruction and development as well as the peace and security components of the New Partnership for Africa's Development for future proposals on African Union and United Nations cooperation.⁷² The representative of China stressed the importance of development and construction in the Darfur region of the Sudan.⁷³ The representative of Côte d'Ivoire expressed full support for the mission's recommendations for his country, including the full implementation of the Ouagadougou Agreement, yet at the same time asked for a partial lifting of the arms embargo in order to equip the national police.⁷⁴ The representative of the Democratic Republic of the Congo conveyed his country's endorsement of the Security Council's recommendations while at the same time expressing concerns over the Kivus, particularly the violations of human rights and international humanitarian law, mainly by militia and other foreign armed groups.⁷⁵ The representative of the African Union highlighted the need for coherent partnership between the two organizations, including systematic information-sharing and harmonization of decision-making procedures. She stressed the need for support in establishing the African Union's peace and security architecture, including an early warning system and a yet-to-be-established African force. Lastly she underlined the need for the hybrid operation for the Sudan to retain an African nature.⁷⁶

⁷⁰ S/2007/421 and Corr.1.

⁷¹ S/PV.5717, pp. 6-7 (Ghana); pp. 7-8 (Belgium); pp. 8-9 (China).

⁷² *Ibid.*, p. 6.

⁷³ *Ibid.*, p. 8.

⁷⁴ *Ibid.*, pp. 10-11.

⁷⁵ *Ibid.*, pp. 11-12.

⁷⁶ *Ibid.*, pp. 12-13.

11. Mission to Timor-Leste, 24 to 30 November 2007

The Security Council mission to Timor-Leste from 24 to 30 November 2007 was led by the representative of South Africa. The primary purpose of the mission was to reaffirm the commitment of the Security Council to assist the Timorese people to consolidate peace, democratic governance and the rule of law in the post-electoral period in Timor-Leste, to express the Council's full support for the United Nations Integrated Mission in Timor-Leste (UNMIT), and to assess the progress made on the ground in the implementation of the mandate of UNMIT. The mission was also directed to discuss and exchange views with the Timorese authorities on ways and means to assist the country in developing capacities necessary to build on security and democratic and other gains achieved thus far. The mission met with the President of Timor-Leste and high-level government officials, as well as with Bishops of Dili and Baucau.⁷⁷

Deliberations of 6 and 13 December 2007 (5791st and 5801st meetings)

At its 5791st meeting, on 6 December 2007, the Council included in its agenda the item entitled "Briefing by the head of the Security Council mission to Timor-Leste". The Council heard a briefing by the head of mission, the representative of South Africa, who reported that the situation in Timor-Leste remained calm and stable but fragile. The challenges facing the country included differences regarding the country's political direction between the ruling party and the major opposition party, a large number of internally displaced persons, including the so-called "petitioners" who were former soldiers who had deserted; weak institutions, including the security and justice sectors; lack of capacities and difficulties in areas of governance; and also socioeconomic difficulties, which were associated with widespread unemployment and poverty. Regarding UNMIT, he noted that the Government had called for it to be continued. Overall, he stated that the mission had left Timor-Leste convinced that the country was on the right path towards stability, unity, peace and prosperity.⁷⁸ The representative of Timor-Leste stressed that continued United Nations engagement

⁷⁷ See the report of the mission (S/2007/711).

⁷⁸ S/PV.5791, pp. 2-4.

was important to further stabilize the situation, strengthen national institutions and consolidate peace and security.⁷⁹

At its 5801st meeting, on 13 December 2007, the Council included in its agenda the report of the Security Council mission to Timor-Leste, 24 to 30 November 2007.⁸⁰ The Council heard a briefing by the head of the mission, the representative of South Africa. The representative of Timor-Leste again emphasized the positive developments in the country and stressed the areas of concern, such as unemployment and poverty, large numbers of internally displaced persons and political differences among leaders. She underlined the urgent need for resources and assistance for sustainable and long-term development in Timor-Leste, and asked for the UNMIT mandate to be extended by five years, two and a half years to strengthen the police and security sectors and two and a half years focusing on governance, police and security sector assistance and capacity-building. She said that Timor-Leste intended to create strong democratic institutions, rule of law and self-reliance rather than fostering a climate of dependency.⁸¹ Most speakers endorsed the findings and recommendations of the mission and stressed the vital need for continued United Nations assistance in the stabilization and

strengthening of Timor-Leste, particularly in the areas of security and justice and institution-building, and the socioeconomic and humanitarian challenges.

The representative of Portugal, speaking on behalf of the European Union and associated countries, reaffirmed the European Union's commitment to the consolidation of peace and democracy in Timor-Leste and called upon the Government of Timor-Leste to create conditions for the return, resettlement and reintegration of the internally displaced persons in their local communities.⁸² The representative of Slovakia expressed his country's wish to send a team of experts from the Department of Peacekeeping Operations to assist and define ways to cope with outstanding issues in the area of training and giving responsibility to the Timorese police.⁸³ The representatives of Slovakia and Panama urged the implementation and compliance with the recommendations of the Independent Special Commission of Inquiry for Timor-Leste in order to strengthen justice.⁸⁴ The representative of Peru expressed his country's support for the proposal of the Special Representative for Timor-Leste that the Secretary-General should deploy a mission of experts to examine the relationship between UNMIT police and the armed forces and the Ministry of the Interior.⁸⁵

⁷⁹ Ibid., p. 5.

⁸⁰ S/2007/711.

⁸¹ S/PV.5801, pp. 3-4.

⁸² Ibid., pp. 8-9.

⁸³ Ibid., p. 17.

⁸⁴ Ibid., p. 18 (Slovakia, Panama).

⁸⁵ Ibid., p. 19.

Security Council missions 2004-2007

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|---|--------------------|---|---------------------------------------|--------------------------------|--|--|---|
| West Africa (Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria and Sierra Leone) ^a | 20 to 29 June 2004 | United Kingdom (head of mission), Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Spain, United States | S/2004/491 | 5000 30 June 2004 | Briefing by the head of the Security Council mission to West Africa | Rule 39 Head of the Security Council mission to West Africa (United Kingdom) | Head of mission (United Kingdom), Angola, France, Russian Federation |
| | | | S/2004/525 | 5005 16 July 2004 | Report of the Security Council mission to West Africa from 20 to 29 June 2004 (S/2004/525) | Rule 37 Côte d'Ivoire, Ghana, Guinea, Japan, Liberia, Netherlands, Nigeria, Sierra Leone | Head of mission (United Kingdom), Benin, Brazil, Chairman of the Economic |

**Chapter VIII. Consideration of questions under the
responsibility of the Security Council for the
maintenance of international peace and security**

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|---|------------------------------|---|---|------------------------------------|---|--|---|
| | | | | | | | and Social Council Ad Hoc Advisory Group on Guinea-Bissau (South Africa), Chile, China, Côte d'Ivoire, Ghana (on behalf of ECOWAS), Guinea, Japan, Liberia, Netherlands (on behalf of the European Union), Nigeria, Pakistan, Philippines, Russian Federation, Sierra Leone, United States |
| Central Africa (Kigali, Kinshasa, Bukavu, Bujumbura and Entebbe) | 21 to 25 November 2004 | France (head of mission), Algeria, Angola, Benin, Brazil, Chile, China, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom, United States | S/2004/891 | 5091 30 November 2004 | Briefing by the head of the Security Council mission to Central Africa | Rule 39 Head of the Security Council mission to Central Africa (France) | Head of mission (France) |
| | | | S/2004/934 | 5096 8 December 2004 | Report of the Security Council mission to Central Africa, 21-25 November 2004 (S/2004/934) | Rule 37 Burundi, Democratic Republic of the Congo, Japan, Netherlands, Rwanda, Uganda | Head of mission (France), Angola, Benin, Brazil, Burundi, Democratic Republic of the Congo, Germany, Japan, Netherlands, Pakistan, Philippines, Romania, Rwanda, Spain, Uganda, United Kingdom |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|---|-----------------------|--|---------------------------------------|--------------------------------|---|---|---|
| Haiti ^b | 13 to 16 April 2005 | Brazil (head of mission), Algeria, Argentina, Benin, China, Denmark, France, Greece, Japan, Philippines, Romania, Russian Federation, United Kingdom, United Republic of Tanzania, United States | S/2005/220 | 5164 20 April 2005 | Briefing by the head of the Security Council mission to Haiti | Rule 39 Head of the Security Council mission to Haiti | Head of mission (Brazil) |
| | | | S/2005/302 | 5178 13 May 2005 | Report of the Security Council mission to Haiti (S/2005/302) | Rule 37 Canada, Chile, Guatemala, Haiti, Luxembourg, Norway, Peru, Spain, Trinidad and Tobago Rule 39 Permanent Observer for the International Organization of la Francophonie to the United Nations | Argentina, Brazil, Canada, Chile, France, Greece, Guatemala, Haiti, Luxembourg, Norway, Peru, United Kingdom, United Republic of Tanzania, United States, International Organization of la Francophonie |
| Central Africa (Burundi, Democratic Republic of the Congo, Rwanda, Uganda, United Republic of Tanzania) | 4 to 11 November 2005 | France (head of mission), Algeria, Argentina, Benin, Brazil, China, Denmark, Greece, Japan, Philippines, Romania, Russian Federation, United Kingdom, United Republic of Tanzania, United States | S/2005/682 | 5305 15 November 2005 | Briefing by the head of the Security Council mission to Central Africa | Rule 39 Head of the Security Council mission to Central Africa | Head of mission (France) |
| | | | S/2005/716 | 5315 6 December 2005 | Report of the Security Council mission to Central Africa, 4 to 11 November 2005 (S/2005/716) | Rule 37 Burundi, Rwanda and Uganda | Head of mission (France), Algeria, Brazil, Burundi, Rwanda, Uganda, United Republic of Tanzania |
| Sudan and Chad ^c | 4 to 10 June 2006 | United Kingdom (head of mission), Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, | S/2006/341 | 5462 15 June 2006 | Briefing by the Security Council mission to the Sudan, Chad and the African Union Headquarters in Addis Ababa | | Head of mission to Sudan and Chad (United Kingdom), joint head of mission to Chad (France), United Republic of Tanzania |

**Chapter VIII. Consideration of questions under the
responsibility of the Security Council for the
maintenance of international peace and security**

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|----------------------------------|------------------------|---|---|------------------------------------|--|---|--|
| | | Russian Federation, Slovakia, United Republic of Tanzania, United States | S/2006/433 | 5478 29 June 2006 | Report of the Security Council mission to the Sudan and Chad (S/2006/433) | Rule 37 Austria, Chad, Egypt, Norway and the Sudan | Head of mission to Sudan and Chad (United Kingdom), joint head of mission to Chad (France), Austria, Chad, Congo, Egypt, Norway, Qatar, Sudan |
| Democratic Republic of the Congo | 10 to 12 June 2006 | France (head of mission), Congo, Denmark, Ghana, Japan, Peru, Slovakia, United Republic of Tanzania, United States | S/2006/344 | 5466 16 June 2006 | Briefing by the head of the Security Council mission to the Democratic Republic of the Congo | | Head of mission (France) |
| | | | S/2006/434 | 5482 6 July 2006 | Report of the Security Council mission on the electoral process in the Democratic Republic of the Congo (S/2006/434) | Rule 37 Belgium, Democratic Republic of the Congo, Finland | Head of mission (France), Belgium, Congo, Democratic Republic of the Congo, Finland, United Republic of Tanzania |
| Afghanistan | 11 to 16 November 2006 | Japan (head of mission), Argentina, Denmark, France, Greece, Qatar, Russian Federation, Slovakia, United Kingdom, United States | S/2006/875 | 5570 22 November 2006 | Briefing by the head of the Security Council mission to Afghanistan | Rule 37 Afghanistan | Head of mission (Japan) |
| | | | S/2006/935 | 5581 7 December 2006 | Report of the Security Council mission to Afghanistan (S/2006/935) | Rule 37 Afghanistan, Canada, Finland, India, Islamic Republic of Iran, Norway, Pakistan | Head of mission (Japan), Afghanistan, Canada, China, Denmark, Finland, France, India, Iran (Islamic Republic of), Norway, Pakistan, Peru, Russian Federation, United Kingdom |

Repertoire of the Practice of the Security Council, 2004-2007

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|---|---------------------|---|---------------------------------------|--------------------------------|--|--|--|
| Kosovo | 25 to 28 April 2007 | Belgium (head of mission), China, Congo, France, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Russian Federation, Slovakia, South Africa, United Kingdom, United States | S/2007/220 | 5672 2 May 2007 | Briefing by the head of the Security Council mission on the Kosovo issue | | Head of mission (Belgium) |
| | | | S/2007/256 | 5673 10 May 2007 | Report of the Security Council mission on the Kosovo issue (S/2007/256) | | Head of mission (Belgium), China, Finland, France, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Russian Federation, Slovakia, United Kingdom, United States |
| Addis Ababa, Khartoum, Accra, Abidjan, Kinshasa | 14 to 21 June 2007 | Belgium, China, Congo, France (head of mission to Kinshasa), Ghana, Indonesia, Italy, Panama, Peru (head of mission to Abidjan), Qatar, Russian Federation, Slovakia, South Africa (joint head of mission to Addis Ababa, Khartoum and Accra), United Kingdom (joint head of mission to Addis Ababa, Khartoum and Accra), United States | S/2007/347 | 5706 26 June 2007 | Briefings by heads of the Security Council mission to Africa | | Heads of mission (France, Peru, South Africa, United Kingdom) |
| | | | S/2007/421 and Corr.1 | 5717 16 July 2007 | Report of the Security Council mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa, 14 to 21 June 2007 (S/2007/421 and Corr.1) | Rule 37 Côte d'Ivoire, Democratic Republic of the Congo Rule 39 Permanent Observer of the African Union to the United Nations | Heads of mission (France, Peru, South Africa, United Kingdom), Belgium, China, Côte d'Ivoire, Democratic Republic of the Congo, Ghana, Permanent Observer of the African Union |

| <i>Destination</i> | <i>Duration</i> | <i>Composition</i> | <i>Reports and terms of reference</i> | <i>Meeting number and date</i> | <i>Sub-item</i> | <i>Invitations (rules 37 and 39)</i> | <i>Speakers</i> |
|--------------------|------------------------------|---|---|------------------------------------|---|--|--|
| Timor-Leste | 24 to 30 November 2007 | South Africa (head of mission), China, Indonesia, Russian Federation, Slovakia, United States | S/2007/647 | 5791 6 December 2007 | Briefing by the head of the Security Council mission to Timor-Leste | Rule 37 Timor-Leste | Head of mission (South Africa), Italy, Timor-Leste |
| | | | S/2007/711 | 5801 13 December 2007 | Report of the Security Council mission to Timor-Leste, 24-30 November 2007 (S/2007/711) | Rule 37 Australia, Japan, New Zealand, Philippines, Portugal, Timor-Leste | Head of mission (South Africa), Australia, Belgium, China, Congo, France, Ghana, Indonesia, Italy, Japan, New Zealand, Panama, Peru, Philippines, Portugal, Qatar, Russian Federation, Slovakia, Timor-Leste, United Kingdom, United States |

^a The mission's visit to Guinea-Bissau was made jointly with the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau (Brazil, Gambia, South Africa).

^b The mission to Haiti was undertaken in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council.

^c The mission also visited the African Union headquarters in Addis Ababa.

56. Briefings

During the period under review, the Security Council heard a number of briefings on subjects not explicitly connected to items on the Council's agenda. Where appropriate, those briefings have been covered in the sections in the present chapter dealing with the different regions.¹ Briefings given at closed meetings and those that touch on issues cutting across regions are covered here.

The Council heard briefings at closed meetings from the President of the International Court of Justice² and the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe.³

During this period, the Security Council held an increased number of meetings at which it heard directly from the Chairmen of its subsidiary bodies. At its 5106th meeting, on 22 December 2004, the Council heard briefings under the item entitled "Briefings by Chairmen of Security Council Committees and

¹ See, under Africa, sects. 18.A (Institutional relationship with the African Union) and 19 (Briefings by the Minister for Foreign Affairs and the Minister of Defence of Uganda) and, under Europe, sect. 32 (Briefing by the Chairman-in-Office of the Organization for Security and Cooperation in Europe) of the present chapter.

² 5557th and 5775th meetings, held on 27 October 2007, respectively.

³ 5237th meeting, held on 27 July 2005. For more information on the discussion at this meeting, see chap. II, part II, sect. A, case 1.

Working Groups”, while at 10 other meetings the Council heard briefings under the item entitled “Briefings by Chairmen of subsidiary bodies of the Security Council”.⁴ At those meetings, the Chairmen of various sanctions and anti-terrorism committees and other working groups provided an overview of the work of their organs to the Council. A complete table of those briefings may be found in the introductory note to chapter V.

The Council also heard a number of briefings that related to humanitarian issues. At its 5792nd meeting, on 6 December 2007, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who reported on his visit to Ethiopia, the Sudan and Somalia from 26 November to 4 December. In Ethiopia, he met with the Government to discuss the humanitarian crisis in the Somali region, where the conflict between Government forces and the Ogaden National Liberation Front conflict had led to fears of famine. In the Sudan, he visited the Darfur region to review the implementation of the joint communiqué of the Government of the Sudan and the United Nations on facilitation of humanitarian activities in Darfur and to assess the humanitarian situation on the ground. He underlined that while the joint communiqué had helped to reduce some of the bureaucratic obstacles hindering relief agencies, overall the situation was deteriorating and attacks against humanitarian workers were becoming more common. Finally, in Somalia he visited

⁴ 5168th, 5229th, 5293rd, 5332nd, 5375th, 5538th, 5601st, 5679th, 5779th and 5806th, held on 25 April, 20 July, 26 October and 19 December 2005, 21 February, 28 September and 20 December 2006, and 22 May, 14 November and 17 December 2007, respectively.

the area outside of Mogadishu where more than 200,000 internally displaced people had gathered and reported on the relief efforts there.

Following his briefing, all Council members made statements and welcomed the briefing, expressing concern at the humanitarian challenges in those regions. Several speakers also underlined the need for the earliest possible deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the strengthening of the African Union Mission in Somalia.⁵

At the 4973rd and 5353rd meetings, on 20 May 2004 and 24 January 2006, respectively, the United Nations High Commissioner for Refugees briefed the Council, stressing the link between forcible displacement and international peace and security, and addressed the issue of the sustainable return of displaced populations and its positive impact on the creation of durable peace and stability. She also made proposals in the areas of peace operations and peacebuilding, noting the need for more cross-border peacekeeping operations where appropriate. The briefings also provided an overview of the situations relating to refugees and internally displaced persons in several countries and regions, including Darfur in the Sudan, Chad, Sierra Leone, Afghanistan and the Great Lakes region including Burundi and the Democratic Republic of the Congo. Following the briefings, members of the Council made statements and asked questions, and the High Commissioner then responded to points raised by the members of the Council.⁶

⁵ See S/PV.5792.

⁶ See S/PV.4973 and S/PV.5353.

Chapter IX

Decisions in the exercise by the Security Council of its other functions and powers

Note

During the period under review, the Security Council took a number of decisions in the exercise of its functions and powers other than those relating to the maintenance of international peace and security. The Council's practice relating to those decisions is addressed elsewhere in this Supplement.

The practice of the Council in connection with (a) the appointment of the Secretary-General, and (b) the election of members of the International Court of Justice, is dealt with in chapter VI.

Decisions of the Security Council on the question of new Members to the United Nations are dealt with in chapter VII.

Chapter X

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

Chapter X deals with the practice of the Security Council aimed at promoting and implementing recommendations and methods or procedures for the peaceful settlement of disputes within the framework of Articles 33 to 38 of Chapter VI and Articles 11 and 99 of the Charter of the United Nations.

The period under review was marked by a considerable expansion in the scope of Council action within the framework of Chapter VI of the Charter. By a number of decisions relating to conflict prevention and post-conflict peacebuilding, the Council, further, underlined the need for a broad strategy for conflict prevention and peaceful settlement of disputes in line with Chapter VI. While expressing its commitment to and actively supporting the peaceful settlement of disputes, the Council reiterated its call upon the Member States to settle their disputes by peaceful means as set out in Chapter VI, including the use of regional preventive mechanisms and the International Court of Justice. Emphasizing the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, the Council recognized the vital role of the United Nations in preventing conflicts, assisting parties to conflicts to end hostilities and emerge towards recovery, reconstruction and development, and in mobilizing sustained international attention and assistance.

Mindful of the need to respect the principle of sovereignty and non-interference in matters of domestic jurisdiction of States, the Council increasingly expanded the use of a number of instruments aimed at preventing the outbreak and/or the recurrence of conflicts including, Security Council missions and fact-finding missions, to determine whether any situation might lead to international friction or give rise to a dispute; support for the good offices of the Secretary-General and his special representatives and envoys; establishment of special political missions in post-conflict situations which included in their mandates elements relating to the implementation of peace agreements and/or ceasefire agreements as well as to political dialogue, national reconciliation and capacity-building; and inclusion of elements of conflict prevention and peacebuilding in integrated peacekeeping operations.

As chapter VIII of this Supplement sets out a full account of the Security Council's proceedings, including with regard to the peaceful settlement of disputes, the present chapter does not deal with the practice of the Council aimed at the peaceful settlement of disputes in a comprehensive manner. Instead, it focuses on material selected to highlight how the provisions of Chapter VI of the Charter were applied and interpreted in the relevant decisions and deliberations of the Council.

The presentation and classification of the relevant material is designed to set out in readily accessible form the practices and procedures to which the Council has had recourse. As in the previous Supplement to the *Repertoire*, covering the period 2000-2003, the material has been categorized under thematic headings rather than individual Articles of the Charter, so as to avoid ascribing to specific Articles of the Charter, Council proceedings or decisions, which do not themselves refer to any specific Article.

Part I illustrates how, under Article 35, Member States and States which are not members of the United Nations have brought new disputes and situations to the attention of the Security Council. This part also touches upon the functions and

practice of the General Assembly and the Secretary-General, under Articles 11 (3) and 99 of the Charter respectively, in calling the attention of the Security Council to matters which are likely to threaten the maintenance of international peace and security. Part II sets out investigative and fact-finding activities initiated and performed by the Council that may be deemed to fall under the scope of Article 34. Part III provides an overview of the recommendations and decisions of the Council with regard to the pacific settlement of disputes. Specifically, it illustrates the recommendations of the Council to the parties to a conflict, and its support for the endeavours of the Secretary-General in the peaceful settlement of disputes. Part IV reflects constitutional discussions within the Security Council on the interpretation or application of the provisions of Chapter VI of the Charter.

The following Articles of the Charter are cited in this chapter:

Article 11

3. *The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.*

Article 33

1. *The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.*

2. *The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.*

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. *Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.*

2. *A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.*

3. *The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.*

Article 36

- 1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.*
- 2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.*
- 3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.*

Article 37

- 1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.*
- 2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.*

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

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.

Part I

Referral of disputes and situations to the Security Council

Within the framework of the Charter, Articles 35 (1) and (2) and 37 (1) are generally regarded as the provisions on the basis of which States may or, in the case of Article 37 (1), shall, refer disputes to the Security Council. The practice of the Council in this regard is described below.

The first section, “Referrals by States”, provides an overview of the referrals of disputes and situations to the Security Council under Article 35 (1) and (2). During the period under review, disputes and situations were in general referred to the Security Council by means of a communication by Members of the United Nations, by those directly affected and/or through third States and regional groups. Disputes or situations referred to the Council during the period and on which the Council convened meetings under new agenda items are listed in a table at the end of part I. Following the trend of previous periods, the number of new referrals to the Council decreased during the period 2004-2007.

The second section, “Nature of matters referred to the Security Council”, outlines the subject matter of the relevant communications of Member States to the Council. The section “Action requested of the Security Council” analyses the type of action requested of the Council by Member States submitting a dispute or a situation to the Council.

The sections “Referrals by the Secretary-General” and “Referrals by the General Assembly” refer to Articles 11 (3) and 99 of the Charter, according to which the General Assembly and the Secretary-General, respectively, may refer to the Security Council matters which are likely to endanger international peace and security. During the period under review, neither the General Assembly nor the Secretary-General explicitly referred any matters to the Security Council.

Referrals by States

According to Article 35 of the Charter, which in the absence of evidence pointing to other Charter provisions is commonly regarded as the basis on which matters are referred to the Security Council by States,

any Member State may bring to the Council’s attention any “dispute” or “situation which might lead to” international friction or give rise to a dispute. While Article 35 was expressly referred to in one communication, most communications did not cite any specific Article as the basis on which they were submitted.¹

According to Article 35 (2), a State which is not a member of the United Nations may bring to the attention of the Security Council any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the Charter. During the period under consideration, no States which were not members of the United Nations submitted any dispute or situation to the attention of the Council. Situations were referred to the Security Council exclusively under the provisions of Article 35 (1), directly by the affected Member States, either alone² or through

¹ For an explicit reference to Article 35, see the letter dated 8 August 2007 from the representative of Georgia addressed to the President of the Security Council in connection with the situation in Georgia (S/2007/480).

² See, for example, the following letters addressed to the President of the Security Council: letter dated 30 November 2004 from the representative of the Democratic Republic of the Congo requesting the Security Council “to meet on an urgent basis in order to condemn firmly this further act of aggression by the Rwandese Republic against the Democratic Republic of the Congo” (S/2004/935); letter dated 4 July 2006 from the representative of Japan requesting an immediate meeting of the Security Council to consider “the launch of ballistic missiles or unidentified flying vehicles by the Democratic People’s Republic of Korea” (S/2006/481); letter dated 13 July 2006 from the representative of Lebanon requesting an urgent meeting of the Security Council to consider the “grave situation resulting from the latest Israeli acts of aggression in Lebanon” (S/2006/517); letter dated 31 July 2006 from the representative of Lebanon requesting an urgent meeting of the Council to discuss “the latest Israeli massacre in Qana, southern Lebanon, and the continuous escalation” (S/2006/596); and letter dated 8 August 2007 from the representative of Georgia requesting a meeting of the Security Council in the nearest future in order to address the issue of the bombardment of the territory of Georgia, which “threatened the peace and security of a State Member of the United Nations” (S/2007/480).

communications from third States and/or regional groups.³

³ See the following letters addressed to the President of the Security Council: letter dated 23 February 2004 from the representative of Jamaica on behalf of the States members of the Caribbean Community, requesting an urgent meeting of the Council to consider the situation concerning Haiti in the light of “the steadily deteriorating situation, which affects peace and stability in the region” (S/2004/143); letter dated 17 March 2004 from the representative of Serbia and Montenegro requesting an urgent meeting of the Council to consider the latest outbreak of violence in Kosovo and Metohija (S/2004/220); letter dated 23 March 2004 from the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider “the grave Israeli violation of international humanitarian law and the escalation of the Israeli military attack against the Palestinian people and their leadership” and to take the necessary measures in that regard (S/2004/233); letter dated 19 April 2004 from the representative of Egypt, in his capacity as Chairman of the Group of Arab States, requesting the holding of an immediate meeting of the Council to consider “Israel’s grave violations of international humanitarian law, the most recent of which was the extrajudicial execution of Abdel Aziz al-Rantisi in Gaza, and the escalation of its military attacks against the Palestinian people and their leadership, and to take the necessary measures in that regard” (S/2004/303). The same situation was brought to the attention of the Council by a letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider the situation in the Palestinian occupied territory “as a result of the continuous Israeli aggression in northern Gaza, and to take the required measures to stop the Israeli aggression against the Palestinian people” (S/2004/779); letter dated 19 July 2005 from the representative of Kuwait, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem, in particular Israel’s continued and accelerated settlement activities, “including the construction of its unlawful wall”, as well as the situation on the ground (S/2005/469); letters dated 26 July 2005 from the representative of the United Kingdom requesting a meeting of the Council to discuss the report of the fact-finding mission to Zimbabwe

Communications by which new disputes or situations were referred to the Council and based on which the Council convened meetings under new agenda items during the period under review are listed in the table below. It should be borne in mind that the adoption of a

(S/2005/485 and S/2005/489); letter dated 10 April 2006 from the representative of Bahrain, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/227); letter dated 11 April 2006 from the representative of Yemen, in his capacity as Chairman of the Organization of the Islamic Conference (OIC) Group, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/239); letter dated 12 April 2006 from the representative of Malaysia, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, supporting the request made by the States members of the League of Arab States for the convening of a meeting of the Council to consider developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/240); letter dated 15 September 2006 from the representative of the United States of America requesting a meeting to consider the situation in Myanmar and to hear a briefing from the Under-Secretary-General for Political Affairs on the situation in that country and the status and progress of the Secretary-General’s mission of good offices (S/2006/742); letter dated 6 November 2006 from the representative of Qatar, in his capacity as the Chairman of the Group of Arab States, requesting an urgent meeting of the Council to consider the situation in the Middle East, including the Palestinian question (S/2006/868); letter dated 7 November 2006 from the representative of Azerbaijan, in his capacity as Chairman of the OIC Group and on behalf of States members of OIC, requesting an urgent meeting of the Council to consider Israeli aggression in the Gaza Strip and the Occupied Palestinian Territory, including East Jerusalem (S/2006/869); and letter dated 8 November 2006 from the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement and on behalf of the States members of the Movement, requesting an urgent meeting of the Council to consider the item entitled “The situation in the Middle East, including the Palestinian question” (S/2006/871).

new agenda item does not necessarily imply the existence of a new dispute or situation, as it can simply be a change in the formulation of an item already before the Council.

In some instances, the Council did not respond positively to requests to convene a meeting. Whereas under Article 35 States have the power to draw the Council's attention to a matter, this does not imply the Council's obligation to consider the matter. For instance, by a letter dated 8 August 2007 addressed to the President of the Council,⁴ the representative of Georgia, explicitly referring to Article 35, requested the Council to convene a meeting in order to "address the issue of the bombardment of the territory of Georgia, which threatened the peace and security" of State Member of the United Nations, namely, Georgia". No meeting of the Security Council was held in response to that request.

Communications by which Member States merely conveyed information, but did not request a Council meeting or other specific Council action, have not been included in the table, as such communications are not considered referrals under Article 35. Furthermore, as was the case in the previous Supplement, the table does not include communications referring to new developments in or deterioration of ongoing conflicts of which the Council was already seized.

The table does however contain two items relating to the situation in the Middle East, because two communications from the representative of Lebanon,⁵ requesting the Security Council to convene an urgent meeting, brought to the attention of the Council a new situation arising in Lebanon and Israel, leading to hostilities and armed conflict.

Nature of matters referred to the Security Council

During the period under review, matters that were brought to the Council's attention were usually referred to as "situations".⁶ In some instances, the subject

matter of the relevant communications was referred to as "developments",⁷ "violations of international law"⁸ or described in narrative form.⁹

It should also be noted that, while the Charter provisions setting out the basis on which States may bring matters likely to endanger international peace and security to the attention of the Council appears in Chapter VI of the Charter, the subject matter of communications submitted to the Council and the type of action requested in relation thereto are not limited

letter dated 6 November 2006 from the representative of Qatar, in his capacity as the Chairman of the Group of the Arab States and on behalf of the States members of the League of Arab States (S/2006/868); letter dated 7 November 2006 from the representative of Azerbaijan, in his capacity as Chairman of the OIC Group and on behalf of States members of OIC (S/2006/869); and letter dated 8 November 2006 from the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement and on behalf of the States members of the Movement (S/2006/871).

⁷ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 19 July 2005 from the representative of Kuwait, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2005/469); letter dated 10 April 2006 from the representative of Bahrain, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2006/227); letter dated 11 April 2006 from the representative of Yemen, in his capacity as Chairman of the OIC Group (S/2006/239); and dated 12 April 2006 from the representative of Malaysia, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement (S/2006/240).

⁸ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 23 March 2004 from the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States (S/2004/233); and letter dated 19 April 2004 from the representative of Egypt, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2004/303).

⁹ See, for example, the following letters addressed to the President of the Security Council: in connection with the outbreak of violence in Kosovo and Metohija, letter dated 17 March 2004 from the representative of Serbia and Montenegro (S/2004/220); and, in connection with the situation in southern Lebanon, letter dated 31 July 2006 from the representative of Lebanon (S/2006/596).

⁴ S/2007/480.

⁵ S/2006/517 and S/2006/596.

⁶ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2004/779);

by the scope of that Chapter. For instance, during the period under review, several communications submitted to the Council described situations as threatening or endangering regional peace and security¹⁰ and/or acts of aggression.¹¹ In connection with these communications, however, the Council did not always determine the existence of a threat to the peace, a breach of the peace or an aggression.

Action requested of the Security Council

In their communications to the Security Council, States for the most part requested the Council to convene an urgent meeting to consider the matters (see table). In a number of cases, the submitting States called upon the Council, in general terms, to act on the specific issue brought to its attention.

For example, in a letter dated 30 November 2004 addressed to the President of the Security Council,¹² the representative of the Democratic Republic of the

Congo requested the Security Council to condemn firmly the act of aggression by the Rwandese Republic against the Democratic Republic of the Congo.

By a letter dated 5 January 2006 addressed to the President of the Security Council,¹³ the representative of Canada, drawing attention to the humanitarian situation in northern Uganda, requested that the Security Council place the issue of northern Uganda on its agenda.

In another instance, by a letter dated 15 September 2006 addressed to the President of the Security Council,¹⁴ the representative of the United States of America, requested that members of the Council receive a briefing from the Under-Secretary-General for Political Affairs on the situation in Myanmar and the status and progress of the Secretary-General's good offices mission.

The representative of the Sudan, finally, in another instance, by a letter dated 11 April 2007 addressed to the President of the Security Council,¹⁵ requested the Council "to deal swiftly and decisively with the aggression [against the Sudan], of which the States sponsors of the Tripoli Agreement have been informed, by conducting an immediate investigation and taking the necessary measures within the framework of its responsibilities under the Charter of the United Nations".

Referrals by the Secretary-General

While Article 99 stipulates that 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, the Secretary-General did not invoke Article 99, either expressly or by implication, during the period under review. He did, however, draw the attention of the Security Council to a number of deteriorating situations which were already on the Council's agenda, and requested the Council to consider taking appropriate action. For example, in connection with the situation in Chad and the Sudan, by a letter dated 13 April 2006 addressed to the President of the

¹⁰ In a letter dated 23 February 2004 addressed to the President of the Security Council, the representative of Jamaica, on behalf of the States members of the Caribbean Community, stated that the situation concerning Haiti, in the light of the steadily deteriorating situation, affected peace and stability in the region (S/2004/143). In a letter dated 15 September 2006 addressed to the President of the Security Council, the representative of the United States of America stated that his country and other members of the Security Council were concerned about the deteriorating situation in Myanmar, and that situation was likely to endanger the maintenance of international peace and security (S/2006/742 and annex).

¹¹ By a letter dated 30 November 2004 addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo requested the Council "to meet on an urgent basis in order to condemn firmly this further act of aggression by the Rwandese Republic against the Democratic Republic of the Congo" (S/2004/935). By a letter dated 13 July 2006 addressed to the President of the Security Council, the representative of Lebanon requested an urgent meeting of the Council "to consider the grave situation resulting from the latest Israeli acts of aggression in Lebanon" (S/2006/517). By a letter dated 8 August 2007 addressed to the President of the Security Council, the representative of Georgia, while requesting a meeting of the Council, referred to the two Russian SU-24 aircraft which violated Georgian airspace as "an act of aggression" (S/2007/480).

¹² S/2004/935.

¹³ S/2006/13.

¹⁴ S/2006/742.

¹⁵ S/2007/201.

Security Council,¹⁶ the Secretary-General transmitted a letter dated 13 April 2006 from the Deputy Minister for Foreign Affairs and African Integration of Chad, in which the Government of Chad conveyed its concern at the “Sudan’s aggression against Chad and the threat to State institutions”, and urged the Secretary-General to take the necessary measures prescribed by the Charter to put an end to the aggression against Chad.

By a letter dated 22 November 2006 addressed to the President of the Security Council,¹⁷ the Secretary-General conveyed the request submitted by the Government of Nepal and the Communist Party of Nepal (Maoist), the parties to the Comprehensive Peace Agreement, to provide United Nations assistance

¹⁶ S/2006/256. In response, the Council convened a meeting and adopted a presidential statement, urging the Governments of the Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006 and to urgently start implementing the confidence-building measures which had been voluntarily agreed upon; in addition, the Council stated that both the Sudan and Chad must refrain from any actions that violated the border (S/PRST/2006/19).

¹⁷ S/2006/920.

in monitoring the arrangements related to the management of arms and armed personnel, and in monitoring the electoral process. The Secretary-General made a recommendation for an immediate and concrete response of the United Nations with regard to the request. By a statement of the President dated 1 December 2006, the Security Council noted the request to provide assistance in implementing key aspects of the Agreement, and expressed its readiness to consider the Secretary-General’s formal proposals as soon as the technical assessment was complete.¹⁸

Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any matters to the Security Council under this Article.¹⁹

¹⁸ S/PRST/2006/49.

¹⁹ For more information see chap. VI, part I, sect. B.

Communications bringing disputes or situations to the attention of the Security Council during the period 2004-2007

| <i>Communication^a</i> | <i>Action requested of the Security Council</i> | <i>Meeting and date</i> |
|--|---|---|
| Letters dated 26 July 2005 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 | | |
| Letters dated 26 July 2005 from representative of the United Kingdom of Great Britain and Northern Ireland (S/2005/485 and S/2005/489) | The convening of a meeting of the Security Council to give members of the Council the opportunity to be briefed by the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe, Ms. Anna Tibaijuka, and to discuss with her the report of the fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina | 5237th (closed) meeting 27 July 2005 |
| Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council | | |
| Letter dated 4 July 2006 from the representative of Japan (S/2006/481) | The convening of an immediate meeting of the Security Council to consider the launch of ballistic missiles or unidentified flying vehicles by the Democratic People’s Republic of Korea | 5490th meeting 15 July 2006 |
| The situation in the Middle East | | |
| Letter dated 13 July 2006 from the representative of Lebanon (S/2006/517) | The convening of an urgent meeting to consider the grave situation resulting from the latest Israeli acts of aggression in Lebanon | 5489th meeting 14 July 2006 |

| <i>Communication^a</i> | <i>Action requested of the Security Council</i> | <i>Meeting and date</i> |
|---|---|-------------------------------------|
| Letter dated 31 July 2006 from the representative of Lebanon (S/2006/596) | The convening of an urgent meeting of the Security Council to discuss the latest Israeli massacre in Qana, southern Lebanon, and the continuous escalation | 5503rd meeting 31 July 2006 |
| The situation in Myanmar | | |
| Letter dated 15 September 2006 from the representative of the United States of America (S/2006/742) | The convening of a meeting under an item entitled “The situation in Myanmar” for members of the Council to receive a briefing from the Under-Secretary-General for Political Affairs on the situation in that country and the status and progress of the Secretary-General’s good offices mission | 5526th meeting 15 September 2006 |

^a All the letters listed were addressed to the President of the Security Council.

Part II Investigation of disputes and fact-finding

Note

Article 34 of the Charter provides that “the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuation of the dispute or situation is likely to endanger the maintenance of international peace and security”. However, Article 34 does not exclude other organs from performing investigative functions nor does it limit the Council’s general competence to obtain knowledge of the relevant facts of any dispute or situation by dispatching a fact-finding mission.

During the period under consideration, the Council performed and initiated, or requested the Secretary-General to undertake, a number of investigative and fact-finding activities that may be deemed to fall within the scope of Article 34 or be related to its provisions. Part II containing an overview of the practice of the Security Council in connection with Article 34 of the Charter, including instances in which the Council endorsed the Secretary-General’s initiative to establish bodies entrusted with fact-finding

and investigative functions,²⁰ and instances in which the Council requested the Secretary-General to establish an investigative commission or send a

²⁰ In three instances during the period under consideration, the Council endorsed the Secretary-General’s initiative to establish bodies entrusted with fact-finding or investigative functions. In connection with the situation between Iraq and Kuwait, the Council affirmed the letter dated 31 March 2004 from its President welcoming the Secretary-General’s decision to create an independent high-level inquiry to investigate the administration and management of the oil-for-food programme and took note of the details relating to its organization and terms of reference (resolution 1538 (2004)). In connection with the situation in Timor-Leste, the Council welcomed the initiative of the Secretary-General to ask the United Nations High Commissioner for Human Rights to take the lead in establishing an independent special inquiry commission in response to the request made by the Government of Timor-Leste (resolution 1690 (2006), para. 6). In connection with the agenda item entitled “Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council”, the Council welcomed and expressed support for the Secretary-General’s intention to send a technical assessment mission to Nepal with a view to proposing, following close consultations with the parties, a fully developed concept of United Nations operations, including a United Nations political mission to deliver the assistance requested (S/PRST/2006/49).

technical assessment mission.²¹ In another case, the Council established an international independent investigation commission based in Lebanon.²²

In addition to the above-mentioned fact-finding and investigative missions, the Council continued to request the Secretary-General to report on developments in connection to matters of which the Council was seized. Furthermore, in a number of instances, the Council dispatched missions consisting

of Council members to conflict areas, in West Africa,²³ Central Africa,²⁴ Haiti,²⁵ Ethiopia and Eritrea,²⁶ the Sudan and Chad,²⁷ the Democratic Republic of the Congo,²⁸ Afghanistan,²⁹ Kosovo,³⁰ Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa,³¹ and Timor-Leste.³² The Council missions were not expressly charged with investigative tasks, but did serve, *inter alia*, to form an impression of the respective situations on the ground.

The two case studies below illustrate Council action on investigation and fact-finding. The first, in connection with the reports of the Secretary-General on the Sudan, related to the initiative of the Secretary-General, supported by the Security Council, to establish a Commission of Inquiry to investigate reports of violations of international humanitarian law and human rights law in Darfur, Sudan. The second, in connection with the situation in the Middle East, gives

²¹ In three instances during the period under consideration, the Council requested the Secretary-General to initiate or perform fact-finding or investigative functions. In connection with the situation in Côte d'Ivoire, by a statement of the President dated 25 May 2004, condemning the violations of human rights and international humanitarian law committed in Côte d'Ivoire, including those that occurred in Abidjan on 25-26 March, the Council requested the Secretary-General to establish an international commission of inquiry, as recommended by the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights (S/PRST/2004/17). In connection with the reports of the Secretary-General on the Sudan, the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable (resolution 1564 (2004)). In connection with the situation in Somalia, the Council requested the Secretary-General to send a technical assessment mission to the African Union headquarters and Somalia to report on the political and security situation and the possibility of a United Nations peacekeeping operation following the African Union's deployment (resolution 1744 (2007)).

²² In connection with the situation in the Middle East, the Council decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the assassination of the former Prime Minister Rafiq Hariri, including to help to identify its perpetrators, sponsors, organizers and their accomplices. It further requested the Secretary-General to consult urgently with the Government of Lebanon with a view to facilitating the establishment and operation of the Commission pursuant to its mandate and terms of reference, and requested also that he report to the Council accordingly and notify it of the date the Commission began its full operations (resolution 1595 (2005)). See case 2 below.

²³ The mission of the Council visited West Africa from 20 to 29 June 2004. For details, see terms of reference (S/2004/491) and final report (S/2004/525).

²⁴ A mission of the Council visited Central Africa from 21 to 25 November 2004. For details, see terms of reference (S/2004/891) and final report (S/2004/934). Another mission of the Council visited Central Africa from 4 to 11 November 2005. For details, see terms of reference (S/2005/682) and final report (S/2005/716).

²⁵ The mission of the Council visited Haiti from 13 to 16 April 2005. For details, see terms of reference (S/2005/220) and final report (S/2005/302).

²⁶ The mission of the Council visited Ethiopia and Eritrea from 6 to 9 November 2005. For details, see terms of reference (S/2005/694) and final report (S/2005/723).

²⁷ The mission of the Council visited the Sudan and Chad from 4 to 10 June 2006. For details, see terms of reference (S/2006/341) and final report (S/2006/433).

²⁸ The mission of the Council visited the Democratic Republic of the Congo from 10 to 12 June 2006. For details, see terms of reference (S/2006/344) and final report (S/2006/434).

²⁹ The mission of the Council visited Afghanistan from 11 to 16 November 2006. For details, see terms of reference (S/2006/875) and final report (S/2006/935).

³⁰ The mission of the Council visited Kosovo from 24 to 29 April 2007. For details, see terms of reference (S/2007/220) and final report (S/2007/256).

³¹ The mission of the Council visited Africa from 14 to 21 June 2007. For details, see terms of reference (S/2007/347) and final report (S/2007/421 and S/2007/421/Corr.1).

³² The mission of the Council visited Timor-Leste from 24 to 30 November 2007. For details, see terms of reference (S/2007/647) and final report (S/2007/711).

details of the decision-making process leading to the establishment by the Security Council of an international commission of inquiry into the assassination of the former Prime Minister of Lebanon, Rafiq Hariri.

Case 1

Reports of the Secretary-General on the Sudan

By a letter dated 10 September 2004 addressed to the President of the Security Council,³³ the representatives of Australia, Canada and New Zealand expressed concern about the evolution of events in Darfur and recommended that the Council call upon the Secretary-General to establish, as a matter of urgency, an impartial commission of experts to investigate allegations of war crimes and crimes against humanity, in particular sexual violence, with a view to providing the Secretary-General with its conclusions on the evidence.

In response to the request, the Council met on 18 September 2004 to consider the reports of the Secretary-General on the Sudan. By resolution 1564 (2004), adopted at the meeting, the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable, and called on all parties to cooperate fully with such a commission. Pursuant to the request by the Council, by a letter dated 4 October 2004 addressed to the President of the Security Council,³⁴ the Secretary-General informed the latter that he had established the International Commission of Inquiry that would, *inter alia*, investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties in the current conflict.

By resolution 1574 (2004) of 19 November 2004, the Council called on all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter of 4 October 2004 to the President of the Security

³³ S/2004/739.

³⁴ S/2004/812.

Council, the outcome of which would be communicated to the Security Council.

By a letter dated 31 January 2005 addressed to the President of the Security Council, the Secretary-General transmitted the report of the International Commission of Inquiry on Darfur.³⁵ In the report, the Commission concluded, *inter alia*, that the Government of the Sudan and the Janjaweed militia were responsible for a number of violations of international human rights and humanitarian law. It also recommended the referral of the crimes in Darfur to the International Criminal Court.

In response to the recommendations outlined in the report, the Council met on 31 March 2005 to consider the reports of the Secretary-General on the Sudan.³⁶ The Council adopted resolution 1593 (2005), by which it took note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur and referred the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court.

Case 2

The situation in the Middle East

Following the terrorist bombing in Beirut, on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, the Council, by a statement of the President dated 15 February 2005,³⁷ requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act.

In response to that request, the Secretary-General, by a letter dated 24 March 2005 addressed to the President of the Security Council,³⁸ transmitted the report of the fact-finding mission inquiring into the causes, circumstances and consequences of the assassination of the former Prime Minister. The mission noted that the Lebanese investigation process suffered from serious flaws and had neither the capacity nor the commitment to reach a satisfactory and credible conclusion, and recommended that an international independent commission be established.

³⁵ S/2005/60.

³⁶ See S/PV.5158. For details of the meeting, see chap. VIII, sect. 16.B.

³⁷ S/PRST/2005/4.

³⁸ S/2005/203.

By a letter dated 29 March 2005 addressed to the Secretary-General,³⁹ the representative of Lebanon stated that his Government approved the decision of the Security Council concerning the establishment of an international commission of inquiry into the assassination of the former Prime Minister, and that it was ready to cooperate with the commission within the framework of Lebanese sovereignty and of its legal system.

By identical letters dated 29 March 2005 addressed to the Secretary-General and the President of the Security Council,⁴⁰ the representative of the Syrian Arab Republic transmitted a letter from the Government of the Syrian Arab Republic, which while critical of aspects of the report, stated that the country would support the position of Lebanon in any investigation of that event, given the fact that it was most solicitous of Lebanon's sovereignty, independence and prosperity.

At its 5160th meeting on 7 April 2005, the Council unanimously adopted resolution 1595 (2005), by which it decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help to identify its perpetrators, sponsors, organizers and their accomplices.

By a letter dated 20 October 2005 addressed to the President of the Security Council,⁴¹ the Secretary-General transmitted the report of the International Independent Investigation Commission. The Commission concluded that, building on the findings of the Commission and Lebanese investigations to date and on the basis of the material and documentary evidence collected, and the leads pursued, there was converging evidence pointing at both Lebanese and Syrian involvement in the terrorist act. It also concluded that the investigation should be carried forward by the appropriate Lebanese judicial and security authorities, who had proved during the investigation that, with international assistance and support, they could move ahead and at times take the lead in an effective and professional manner.

At its 5297th meeting, on 31 October 2005, the Council unanimously adopted resolution 1636 (2005), by which it, *inter alia*, took note with extreme concern

³⁹ S/2005/208.

⁴⁰ S/2005/209.

⁴¹ S/2005/662.

of the Commission's conclusion that there was converging evidence pointing at the involvement of both Lebanese and Syrian officials in the terrorist act. It called on the Syrian Arab Republic to cooperate fully and unconditionally with the Commission and insisted that it not interfere in Lebanese affairs.

Speaking after the vote, several Council members said that they were sending a message of support to the Lebanese people and the Commission, and a message to the Syrian Arab Republic that it must cooperate with the investigation.⁴² A number of speakers warned that the Council would decide on the consequences of any failure by the Syrian authorities to meet their obligations.⁴³ The United States said that with resolution 1636 (2005), the United Nations was taking a step to hold the Syrian Arab Republic accountable for any further failure to cooperate with the Commission's investigations and to consider further action if necessary.⁴⁴ Many speakers also emphasized the importance of bringing to justice those responsible for what they called a "heinous act".⁴⁵ The representative of Benin stated that, in his view, the resolution had no other goal than to give the Commission the means to find out all the details about the terrorist attack that the Council had unanimously condemned in order that the perpetrators might be brought to justice and that law might prevail.⁴⁶

Reiterating his country's appreciation for the solid work of the Commission, the representative of Lebanon was convinced that identifying and punishing the perpetrators of the crime as well as the establishment of justice would greatly contribute to the consolidation of Lebanon's national unity and to its security and stability, as well as that of the region. He called on all concerned parties to cooperate sincerely and seriously with the Commission so that justice could take its proper course.⁴⁷

⁴² S/PV.5297, p. 3 (France); p. 4 (United Kingdom); p. 5 (United States); p. 8 (China); p. 11 (Russian Federation, Argentina); and p. 14 (United Republic of Tanzania).

⁴³ *Ibid.*, p. 3 (France); p. 4 (United Kingdom); p. 5 (United States); p. 9 (Denmark); p. 10 (Greece, Philippines); and p. 14 (Japan).

⁴⁴ *Ibid.*, p. 5.

⁴⁵ *Ibid.*, p. 2 (France); p. 4 (United Kingdom); p. 9 (Greece); p. 11 (Argentina); p. 12 (Benin); and p. 14 (United Republic of Tanzania).

⁴⁶ *Ibid.*, p. 12.

⁴⁷ *Ibid.*, p. 16.

The representative of the Syrian Arab Republic stated that the fundamental criticism of the Commission's report was that it proceeded from the presumption that his country was guilty of committing that crime, rather than presuming its innocence, and that the report did not, instead, seek the facts and evidence that would lead to the real perpetrator. He further stated that it was clear to anyone who had followed the issue that the Syrian Arab Republic had fully cooperated throughout.⁴⁸

By a letter dated 13 December 2005 addressed to the Secretary-General,⁴⁹ the representative of Lebanon forwarded a letter from the Prime Minister of Lebanon, in which he requested that the Council establish a tribunal of an international character to try all those who were found responsible for the assassination of the former Prime Minister, and to expand the mandate of the International Independent Investigation Commission or create an independent international investigation commission to investigate the assassination attempts and assassinations and explosions that had occurred in Lebanon since October 2004.

In response, by resolution 1644 (2005) of 15 December 2005, the Council, having examined carefully the report of the International Independent Investigation Commission, acknowledged the request of the Government of Lebanon that a tribunal of an international character try those eventually charged with involvement in the assassination, and requested the Secretary-General to help the Government to identify the nature and scope of the international assistance needed in that regard. The Council also, took note with satisfaction of the progress of the inquiry achieved since the last report of the

Commission to the Security Council, and noted with extreme concern that, while the inquiry was not yet complete, it confirmed its previous conclusions and that the Government of the Syrian Arab Republic had yet to provide the Commission with the full and unconditional cooperation demanded in resolution 1636 (2005).

On 29 March 2006, by resolution 1664 (2006), the Council requested the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice, and acknowledged that the adoption of the legal basis of and framework for the tribunal would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which would depend on the progress of the investigation.

Speaking after the adoption of the resolution, the representative of Lebanon welcomed the resolution, and stated that the tribunal would follow up on the findings of the investigation concerning the assassination of the former Prime Minister and his companions.⁵⁰

Following negotiations between Lebanon and the United Nations, by resolution 1757 (2007) of 30 May 2007, the Council decided that the provisions of the Agreement on the establishment of a Special Tribunal for Lebanon would enter into force no later than 10 June 2007.⁵¹

⁵⁰ S/PV.5401, p. 2.

⁵¹ For more information on the Special Tribunal for Lebanon, see chap. V, part I, sect. D.

⁴⁸ *Ibid.*, pp. 16-17.

⁴⁹ S/2005/783.

Part III

Decisions of the Security Council concerning the pacific settlement of disputes

Note

Chapter VI of the Charter contains various provisions according to which the Security Council may make recommendations to the parties to a dispute or situation. According to Article 33 (2) of the Charter,

the Council may call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). According to Article 36 (1) the Council may "recommend appropriate methods or procedures of adjustment". Article 37 (2) envisages that the Council may "recommend such terms of settlement as

it may consider appropriate”, and Article 38 provides that it may “make recommendations to the parties with a view to a pacific settlement of the dispute”.

As part of its efforts aimed at the peaceful settlement of conflicts within the framework of Chapter VI of the Charter, the Council frequently endorsed or supported peace agreements concluded by the parties to a conflict, or recommended various methods or procedures of settlement, such as bilateral or multilateral negotiations,⁵² political settlement or dialogue aimed at achieving national reconciliation,⁵³ democratic means such as elections or the establishment of a representative government,⁵⁴ and peace-consolidating activities such as disarmament, demobilization and reintegration programmes for former combatants.⁵⁵ In several instances, the Council made recommendations with regard to good offices, mediation or conciliation efforts

to be undertaken by the Secretary-General,⁵⁶ or with regard to such efforts undertaken by Governments of neighbouring countries⁵⁷ or regional leaders,⁵⁸ or undertaken by regional arrangements,⁵⁹ by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.

During the period under review, the Council dealt with a growing number of intra-State conflicts characterized by inter-ethnic and interreligious violence, collapse of central State authority, humanitarian crises and implications threatening the stability of neighbouring countries. For example, in

⁵² See, for example, the following decisions of the Council: in connection with the situation in Burundi, resolution 1719 (2006); in connection with the situation in Chad, the Central African Republic and the subregion, S/PRST/2007/30; in connection with the situation in Côte d’Ivoire, S/PRST/2007/8; in connection with the reports of the Secretary-General on the Sudan, resolution 1590 (2005) and S/PRST/2006/21; and in connection with the situation in Cyprus, resolution 1789 (2007).

⁵³ See, for example, in connection with the situation in Chad and the Sudan, S/PRST/2006/19; in connection with the situation in Côte d’Ivoire, S/PRST/2004/17; in connection with the situation in Somalia, S/PRST/2004/3; in connection with the reports of the Secretary-General on the Sudan, resolution 1755 (2007); in connection with the situation concerning Western Sahara, resolution 1541 (2004); in connection with the situation in Myanmar, S/PRST/2007/37; in connection with the situation in Timor-Leste, S/PRST/2007/33; and in connection with the situation in Georgia, resolution 1752 (2007).

⁵⁴ See, for example, in connection with the situation in Burundi, resolution 1577 (2004); in connection with the situation in Côte d’Ivoire, S/PRST/2005/58; in connection with the situation concerning the Democratic Republic of the Congo, S/PRST/2006/36; in connection with the situation in Liberia, resolution 1626 (2005); and in connection with the situation in Georgia, resolution 1524 (2004).

⁵⁵ See, for example, in connection with the situation in Liberia, resolution 1579 (2004); in connection with the reports of the Secretary-General on the Sudan, resolution 1755 (2007); and in connection with the situation in Afghanistan, resolution 1589 (2005).

⁵⁶ See, for example, in connection with the situation in Burundi, resolution 1606 (2005); in connection with the situation between Eritrea and Ethiopia, resolution 1767 (2007); in connection with the situation in Western Sahara, resolution 1754 (2007); and in connection with the situation in Georgia, resolution 1752 (2007).

⁵⁷ See, for example, in connection with the situation concerning the Democratic Republic of the Congo (S/PRST/2004/45); and in connection with the situation in the Great Lakes region (S/PRST/2007/6).

⁵⁸ See, for instance, in connection with the situation in Côte d’Ivoire, resolution 1600 (2005).

⁵⁹ See chap. XII, part III, for further details on the manner in which the Security Council has encouraged efforts undertaken by regional arrangements in the pacific settlement of disputes. For example, in connection with the situation in Sierra Leone, by resolution 1537 (2004), the Council commended the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraged the Presidents of the Mano River Union member States to resume dialogue and to renew their commitment to building regional peace and security. By a statement of the President dated 14 July 2005, the Council welcomed the readiness of the African Union and the Intergovernmental Authority on Development to reinforce their continued support for the establishment of a functioning central government of Somalia, including the possible deployment of a peace support mission to Somalia (S/PRST/2005/32). In connection with the situation in Somalia, by a statement dated 13 July 2006, the Council commended the African Union and the Intergovernmental Authority on Development for their continuing efforts to promote peace and stability in Somalia and the region (S/PRST/2006/31). With regard to items concerning the Sudan, by resolution 1706 (2006), the Council welcomed the efforts of the African Union to find a solution to the crisis in Darfur, including through the success of the African Union-led Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja, in particular the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement).

connection with the situation in Somalia, by a statement of the President dated 13 July 2006,⁶⁰ the Council welcomed the agreement reached in Khartoum on 22 June 2006 between the Transitional Federal Government and the Islamic Courts. It emphasized the importance of dialogue between the two parties. In connection with the reports of the Secretary-General on the Sudan, by resolution 1564 (2004), the Council called upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, to work together under the auspices of the African Union to reach a political solution in the negotiations held in Abuja under the leadership of President Obasanjo.

In setting out the parameters for a peace process or settlement to achieve its objective and to prevent a relapse into conflict, the Council often made precise recommendations. For instance, in connection with the item entitled “The role of civil society in conflict prevention and the pacific settlement of disputes”, explicitly acting under Chapter VI of the Charter, the Council underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes in line with Chapter VI of the Charter.⁶¹ Similarly, in connection with the item entitled “Strengthening international law: rule of law and maintenance of international peace and security”, the Council expressed its commitment to and active support of the peaceful settlement of disputes and reiterated its call upon the Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter, including by the use of regional preventive mechanisms and the International Court of Justice.⁶²

In a number of instances, the Council, acting on the basis of relevant Security Council decisions, dispatched Security Council missions to conflict areas to, inter alia, express its support for efforts towards peaceful settlement of disputes undertaken by either local actors or regional organizations and to examine how those efforts could be best supported. For instance, in the terms of reference for its mission to Central Africa from 21 to 25 November 2004, the Council stated that the mission would “call on all the components of the Transition to honour their commitments under the Global and All-Inclusive Agreement on the Transition in the Democratic

Republic of the Congo signed in Pretoria on 17 December 2002”.⁶³ In the terms of reference for its mission to the Sudan and Chad from 4 to 10 June 2006, the Council noted that the mission would “call on the parties to the Darfur Peace Agreement to respect their commitments and implement the agreement without delay, and urge those parties that have not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede implementation of the agreement”.⁶⁴ In the terms of reference for its mission to Africa from 14 to 21 June 2007, the Council stated that one of the objectives of the mission would be to “encourage the Government of the Sudan and the non-signatory parties to engage constructively in the Darfur Peace Process with a view to finding lasting peace in the Sudan, in particular support for the forthcoming talks to be convened by the United Nations and African Union special envoys on Darfur”.⁶⁵ In the terms of reference for its mission to Timor-Leste from 24 to 30 November 2007, the Council noted that the mission would “encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country”.⁶⁶

This part of the chapter provides an overview of the Council’s practice in relation to the peaceful settlement of disputes by highlighting relevant decisions adopted by the Council during the period under review. As it is not always possible to ascertain the specific provisions of the Charter on which individual Council decisions have been based, the overview will aim to set out relevant decisions in a systematic order, without ascribing them to specific Articles of the Charter. Since Council decisions relating to investigation and fact-finding missions are already covered in part II of this chapter, they will not be reflected here.

The practice of the Council under Chapter VI of the Charter is described below in three sections. Section A deals with the decisions of the Council on general and thematic issues touching upon the provisions of Chapter VI. In particular, it outlines the

⁶⁰ S/PRST/2006/31.

⁶¹ S/PRST/2005/42.

⁶² S/PRST/2006/28.

⁶³ S/2004/891.

⁶⁴ S/2006/341.

⁶⁵ S/2007/347.

⁶⁶ S/2007/647.

decisions of the Council relating to the prevention of armed conflicts and the maintenance of international peace and security. Section B illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts in the peaceful settlement of disputes. Section C provides an overview of the decisions of the Council, within the framework of its efforts towards the pacific settlement of disputes, involving the Secretary-General. Section D briefly illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts by regional organizations in the peaceful settlement of disputes.

A. Decisions of the Security Council on general and thematic issues relating to the pacific settlement of disputes

This section provides an overview of the decisions of the Council on general and thematic issues relating to the pacific settlement of disputes. By such decisions, the Council underlined the centrality of Chapter VI of the Charter in the United Nations system of collective security and emphasized its commitment to addressing the prevention and recurrence of armed conflicts in all regions of the world. The Council also acknowledged the importance of the settlement of disputes by peaceful means and of promoting necessary preventive action in the maintenance of international peace and security.

During the period under review, the Peacebuilding Commission was established as a subsidiary body of the Security Council and the General Assembly, by resolutions adopted concurrently by the two organs on 20 December 2005.⁶⁷ The main purpose of the Peacebuilding Commission was to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery.

Protection of civilians in armed conflict

By a statement of the President dated 14 December 2004, the Council recognized the importance of a comprehensive, coherent and action-oriented approach, including early planning, to the

⁶⁷ Resolution 1645 (2006) and General Assembly resolution 60/180. See also chapter V, part I, sect. 9.

protection of civilians in situations of armed conflict. It stressed the need to adopt a broad strategy of conflict prevention which addressed the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights.⁶⁸

By resolution 1674 (2006) of 28 April 2006, the Council called upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning had regard for the special needs of women and children and included specific measures for the protection of civilians, including the cessation of attacks on civilians; the facilitation of the provision of humanitarian assistance; the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons; the facilitation of early access to education and training; the re-establishment of the rule of law; and the ending of impunity.

Post-conflict peacebuilding

By a statement of the President dated 26 May 2005, the Council acknowledged that serious attention to the longer term process of peacebuilding in all its multiple dimensions was critically important and that adequate support for peacebuilding activities could help to prevent countries from relapsing into conflict. It further stressed the need to ensure adequate and timely financing for peacebuilding priorities at all stages of the peace process, and the need for sustained financial investment in peacebuilding over the medium to longer-term period of recovery. The Council recognized the importance of rapid initiation of peacebuilding activities to meet immediate needs and encouraged the building of capabilities that could be incorporated rapidly.⁶⁹

By resolution 1645 (2005) of 20 December 2005, emphasizing the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, the Council recognized the vital role of the United Nations in preventing conflicts, assisting parties to conflicts to end hostilities and emerge towards recovery,

⁶⁸ S/PRST/2004/46.

⁶⁹ S/PRST/2005/20.

reconstruction and development and in mobilizing sustained international attention and assistance.

The role of the Security Council in humanitarian crises: challenges, lessons learned and the way ahead

By a statement of the President dated 12 July 2005, the Council reiterated the importance it attached to the promotion and urgent restoration of justice and the rule of law in post-conflict societies and in promoting national reconciliation, democratic development, and human rights. It recognized that ending impunity was important in peace agreements and could contribute to efforts to come to terms with past abuses and to achieve national reconciliation to prevent future conflict. The Council further acknowledged that, in post-conflict societies, successful peacebuilding rested on the premise that protection of civilians, the promotion of the rule of law and transitional justice, disarmament, demobilization, repatriation, reintegration and rehabilitation of former combatants, security sector reform and democratic, economic and social reform were integrated elements and that national ownership played an important role which should be supported by the international community, including the regional organizations.⁷⁰

Children and armed conflict

By resolution 1612 (2005) of 26 July 2005, the Council called upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict were specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes.

Threats to international peace and security

By resolution 1625 (2005) of 14 September 2005, the Council expressed its determination to enhance the effectiveness of the United Nations in preventing armed conflicts and to monitor closely situations of potential armed conflict. The Council further affirmed its determination to strengthen United Nations conflict prevention capacities by, inter alia, assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide

⁷⁰ S/PRST/2005/30.

information to the Council on such developments pursuant to Article 99 of the Charter.

Role of civil society in conflict prevention and the peaceful settlement of disputes

By a statement of the President dated 20 September 2005, while recognizing the complex nature of threats to international peace and security, the Council underlined the need for a broad strategy for conflict prevention and peaceful settlement of disputes in line with Chapter VI of the Charter.⁷¹

Cooperation between the United Nations and regional organizations in maintaining international peace and security

By resolution 1631 (2005) of 17 October 2005, the Council reiterated the need to encourage regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and to include, where appropriate, specific provisions with this aim in future mandates of peacekeeping and peacebuilding operations authorized by the Council.

Women and peace and security

By a statement of the President dated 27 October 2005, the Council welcomed the various initiatives and actions undertaken by Member States, United Nations entities, civil society organizations and other relevant actors focused on supporting and increasing the representation of women in peace negotiations and mainstreaming gender perspectives into peace agreements. The Council recognized and welcomed the roles of, and contributions made by, women as mediators, educators, peacemakers, peacebuilders and advocates for peace, as well as their active contribution to reconciliation efforts and disarmament, demobilization and reintegration processes.⁷²

By a statement of the President dated 23 October 2007, the Council urged Member States, regional and subregional organizations and the United Nations system to enhance the role of women in decision-making with regard to all peace processes and post-conflict reconstruction and rebuilding of societies as

⁷¹ S/PRST/2005/42.

⁷² S/PRST/2005/52.

vital in all efforts towards the maintenance and promotion of sustainable peace and security.⁷³

Strengthening international law: rule of law and maintenance of international peace and security

By a statement of the President dated 22 June 2006, the Council noted that it was committed to and actively supported the peaceful settlement of disputes, and reiterated its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter, including by use of regional preventive mechanisms and the International Court of Justice. It further emphasized the important role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States.⁷⁴

The maintenance of international peace and security: role of the Security Council in supporting security sector reform

By a statement of the President dated 20 February 2007, the Council stressed that reforming the security sector in post conflict environments was critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law and good governance, extending legitimate State authority, and preventing countries from relapsing into conflict. In that regard, a professional, effective and accountable security sector and accessible and impartial law-enforcement and justice sectors were equally necessary to laying the foundations for peace and sustainable development.⁷⁵

Threats to international peace and security caused by terrorist acts

By a statement of the President dated 13 April 2007, the Council supported efforts to promote national dialogue, reconciliation and broad political participation in ensuring unity, peace, security and stability in Iraq.⁷⁶

Maintenance of international peace and security

By a statement of the President dated 28 August 2007, the Council bearing in mind its primary responsibility for the maintenance of international peace and security in accordance with the Charter of

the United Nations, acknowledged the importance of the settlement of disputes by peaceful means and promoting necessary preventive action in response to threats to international peace and security.⁷⁷

The role of regional and subregional organizations in the maintenance of international peace and security

By a statement of the President dated 6 November 2007, the Council encouraged regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and stated its intention to consult closely with them, whenever appropriate, on their role in future peacekeeping operations as well as political and integrated missions authorized by the Council.⁷⁸

B. Recommendations relating to terms, methods or procedures of settlement

This section provides an overview of the Council's practice aimed at the pacific settlement of disputes in application of Chapter VI of the Charter. It describes decisions, within the regional context, by agenda item and in chronological order in which the Council requested or called upon parties to settle their disputes by peaceful means; recommended procedures or methods of settlement; or proposed or endorsed, welcomed or supported terms of settlement. Although the relevant decisions are presented by agenda item, it should be noted that, during the period under review, the Council increasingly demonstrated in its decisions a regional approach to the resolution of conflicts.

Africa

The situation in Burundi

By three resolutions, concerning the situation in Burundi, the Council, reaffirming its full support for the process of the Peace and Reconciliation Agreement for Burundi, signed at Arusha, United Republic of Tanzania, on 28 August 2000, called upon all the Burundian parties to honour fully their commitments, and assured them of its determination to support their efforts to that end.⁷⁹

⁷³ S/PRST/2007/40.

⁷⁴ S/PRST/2006/28.

⁷⁵ S/PRST/2007/3.

⁷⁶ S/PRST/2007/11.

⁷⁷ S/PRST/2007/31.

⁷⁸ S/PRST/2007/42.

⁷⁹ Resolutions 1545 (2004), 1577 (2004) and 1602 (2005).

By resolution 1577 (2004) of 1 December 2004, the Council welcomed the agreement signed by the Burundian parties at Pretoria on 6 August 2004, and the subsequent adoption by the Parliament of an interim Constitution, on 20 October 2004. It encouraged the parties to continue their dialogue in a spirit of compromise, in particular during the campaign to explain the interim Constitution and the drawing-up of the electoral code, with a view to a lasting political solution. Finally, the Council recalled that there was no alternative to the holding of elections as provided for by the Arusha Agreement, and called upon the transitional authorities to carry through the electoral process scheduled to take place by 22 April 2005.

By a statement of the President dated 14 March 2005, the Council called upon all Burundians to remain committed to the course of national reconciliation, for further steps remained to be taken. It invited, in particular, the political leadership in the country to work together towards the common goal of holding, expeditiously, local and national elections that were free and fair.⁸⁰

By a statement of the President dated 23 May 2005, the Council took note with satisfaction of the declaration signed on 15 May 2005 in Dar es Salaam, United Republic of Tanzania, by the President of Burundi and the leader of the rebel group Parti pour la libération du peuple hutu — Forces nationales de libération (Palipehutu-FNL). It further shared the understanding that the declaration was a first step towards the rapid integration, in a negotiated manner, of the rebel group into the transitional process in progress in Burundi.⁸¹

By resolution 1602 (2005) of 31 May 2005, the Council called upon all Burundian parties to exert greater efforts to ensure the success of the transition, national reconciliation and the stability of the country in the longer term, in particular by refraining from any actions which might affect the cohesion of the Arusha Agreement process.

By a statement of the President dated 23 March 2006, while expressing its deep concern over the continuing violence carried out by the Forces nationales de libération and fighting between them and the Burundian army, the Council urged the Government

of Burundi and FNL to seize the opportunity for negotiations with a view to bringing peace to the whole country.⁸²

By resolution 1692 (2006) of 30 June 2006, the Council welcomed the ongoing negotiations between the Government of Burundi and the Palipehutu-FNL which had been facilitated by South Africa and the regional peace initiative on Burundi, and looked forward to the early conclusion of a comprehensive ceasefire agreement.

By resolution 1719 (2006) of 25 October 2006, the Council welcomed the signing, on 7 September 2006 at Dar es Salaam of the Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL. In view of that development, it called upon the authorities and all political actors in Burundi to persevere in their dialogue on achieving stability and national reconciliation and to promote social harmony in their country, and underscored the importance of successfully completing the reforms provided for in the Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000, in the Global Ceasefire Agreement signed at Dar es Salaam on 16 November 2003 and in the Comprehensive Ceasefire Agreement signed at Dar es Salaam on 7 September 2006.

The situation in the Central African Republic

By a statement of the President dated 28 October 2004, the Council, expressing its concern at the possible consequences to the Central African Republic of the crises in the subregion, welcomed with satisfaction the Secretary-General's initiative in asking the United Nations Peacebuilding Support Office in the Central African Republic to assess the implications of developments in neighbouring countries on the situation in the Central African Republic and vice versa.⁸³

The situation in Chad and the Sudan

By a statement of the President dated 25 April 2006 concerning the situation in Chad and the Sudan, the Council expressing deep concern over the political and security situation and instability along Chad's border with the Sudan, as well as over the possible spillover effects of these crises on neighbouring countries and the

⁸⁰ S/PRST/2005/13.

⁸¹ S/PRST/2005/19.

⁸² S/PRST/2006/12.

⁸³ S/PRST/2004/39.

entire region, called for political dialogue and a negotiated solution to the continuing crisis within Chad. Furthermore, it urged the Governments of the two countries to abide by their obligations under the Tripoli Agreement of 8 February 2006 and to urgently start implementing the confidence-building measures which had been voluntarily agreed upon.⁸⁴

By a statement of the President dated 15 December 2006, the Council stressed that a peaceful settlement of the conflict in Darfur, in accordance with the Darfur Peace Agreement and relevant Council resolutions, would contribute to restoring security and stability in the region, in particular in Chad and the Central African Republic. The Council further expressed its concern over the continuing tensions between Chad and the Sudan, and urged the two States to abide fully by the obligations they assumed with regard to respect for and securing of their common border in the Tripoli Agreement of 8 February 2006 and in subsequent agreements concluded between them.⁸⁵

The situation in Chad, the Central African Republic and the subregion

By a statement of the President dated 27 August 2007 concerning the situation in Chad, the Central African Republic and the subregion, the Council welcomed the signing on 13 August 2007 in N'Djamena of the Political Agreement for the reinforcement of the democratic process in Chad. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to pursue their efforts at national dialogue, with respect for the constitutional framework.⁸⁶

By resolution 1778 (2007) of 25 September 2007, the Council, recalling the Tripoli Agreement of 8 February 2006 and the other bilateral and multilateral agreements between the Governments of the Sudan, Chad and the Central African Republic, stressed, inter alia, that a proper settlement of the Darfur issue and an improvement in relations between the Sudan, Chad and the Central African Republic would contribute to long-term peace and stability in the region. The Council welcomed the signing on 13 August 2007 at N'Djamena of the Political Agreement for the reinforcement of the democratic process in Chad.

⁸⁴ S/PRST/2006/19.

⁸⁵ S/PRST/2006/53.

⁸⁶ S/PRST/2007/30.

Also by resolution 1778 (2007), the Council encouraged the Governments of the Sudan, Chad and the Central African Republic to ensure that their territories were not used to undermine the sovereignty of others and to cooperate actively with a view to implementing the Tripoli Agreement and other agreements aimed at ensuring security along their common borders. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to pursue their efforts at national dialogue, with respect for the constitutional frameworks.

The situation in Côte d'Ivoire

Following the submission, on 6 January 2004, of the report of the Secretary-General on the efforts of the United Nations Mission in Côte d'Ivoire to facilitate peace and stability in the country, the Council, by resolution 1527 (2004) of 4 February 2004, reaffirmed its endorsement of the agreement signed by the Ivorian political forces at Linas-Marcoussis, France, on 23 January 2003.⁸⁷ The Council stressed the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, and took note with satisfaction of the progress made in that regard. The Council called upon the signatories to the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under the Agreement.

By a statement of the President dated 30 April 2004, the Council, recalling that all Ivorian political forces had committed themselves to implement fully and with no conditions the Linas-Marcoussis Agreement, decided, on the basis of that commitment, to deploy the United Nations Operation in Côte d'Ivoire (UNOCI) to support the process of peaceful settlement of the crisis. It also expressed its readiness to consider further steps to encourage full implementation of the Agreement and to promote the process of national reconciliation in Côte d'Ivoire.⁸⁸

With regard to the peace process defined in the Linas-Marcoussis Agreement, by a statement of the President dated 25 May 2004, the Council, underscoring

⁸⁷ The Linas-Marcoussis Agreement provided for the establishment of a Government of National Reconciliation, in charge of preparing an electoral timetable, rebuilding defence and security forces and organizing the disarmament of all armed groups (see S/2003/99).

⁸⁸ S/PRST/2004/12.

the importance of having all relevant Ivorian parties participate fully in the Government of National Reconciliation, called upon all Ivorian parties to apply faithfully all the provisions of the Agreement, including those regarding the composition and the functioning of the Government of National Reconciliation. It called upon them to resume immediately political dialogue with a view to ensuring the effective functioning of the Government of National Reconciliation.⁸⁹

By a statement of the President dated 5 August 2004, the Council welcomed the spirit of dialogue and responsibility shown by the President, Laurent Gbagbo, and each of the Ivorian parties, who had clearly demonstrated their willingness to lead the political process in Côte d'Ivoire to its completion. The Council welcomed the concrete measures agreed upon by the signatories to the Accra III Agreement with a view to facilitating the full and comprehensive implementation of the Linas-Marcoussis Agreement. It further urged the parties to adhere strictly to the deadlines that had been fixed, in particular to settle the issue of eligibility for the Presidency of the Republic and to begin disarmament, in accordance with the Linas-Marcoussis Agreement, for all paramilitary groups and militias and disband disruptive youth groups. The Council urged all parties to implement in good faith, without delays or preconditions, the obligations they had undertaken in signing the Accra III Agreement.⁹⁰

By a statement of the President dated 6 July 2005, the Council demanded that all the signatories to the Accra III Agreement and all the Ivorian parties concerned implement fully and without delay all the commitments made with the African Union mediation and comply scrupulously with the timetable agreed on 29 June 2005 in Pretoria.⁹¹

Following the signing, by the Ivorian parties, on 6 April 2005, of the Pretoria Agreement,⁹² the Council, by a statement of the President dated 6 July 2005, took

note with interest of the Declaration on the implementation of the Pretoria Agreement on the peace process in Côte d'Ivoire signed on 29 June 2005 in Pretoria under the auspices of the African Union mediator, President Thabo Mbeki.⁹³

By resolution 1600 (2005) of 4 May 2005, the Council welcomed the signing of the Pretoria Agreement and commended the African Union mediator for the essential role he had played, on behalf of the African Union, to restore peace and stability in Côte d'Ivoire, and reaffirmed its full support for his mediation efforts. The Council called upon all parties to implement fully the Pretoria Agreement, and reminded them that they had decided in the Agreement to refer to the mediator any differences which might arise in the interpretation of any part of the Agreement.

By resolution 1603 (2005) of 3 June 2005, the Council endorsed the Pretoria Agreement, and demanded that all the signatories to the Agreement and all the Ivorian parties concerned implement it fully and without delay.

By a statement of the President dated 30 November 2005, the Council affirmed that the rapid appointment of a Prime Minister of Côte d'Ivoire was crucial to relaunching the peace process leading to the holding of free, fair, open and transparent elections by 31 October 2006. It also affirmed that the road map established by the International Working Group at its first meeting on 8 November 2005 in Abidjan had to be fully implemented.⁹⁴

By a statement of the President dated 19 January 2006, the Council firmly called upon all the Ivorian parties to cooperate with the Prime Minister, the International Working Group, the Mediation Group, the Special Representative of the Secretary-General for Côte d'Ivoire and the High Representative for the elections in implementing the road map.⁹⁵

Following several rounds of meetings between Ivorian political and rebel leaders held in Yamoussoukro on 28 February and 5 July 2006, and in Abidjan on 8 April 2006, the Council, by several subsequent decisions, urged the leaders to fulfil their commitments, in particular those made in Yamoussoukro on 28 February 2006, and to rapidly

⁸⁹ S/PRST/2004/17.

⁹⁰ S/PRST/2004/29.

⁹¹ S/PRST/2004/28.

⁹² The Pretoria Agreement on the peace process in Côte d'Ivoire provided for further implementation of the Linas-Marcoussis Agreement, and the Accra II and Accra III Agreements (see S/2005/270). The Security Council welcomed and then endorsed the Pretoria Agreement by two other resolutions adopted under Chapter VII of the Charter (resolutions 1600 (2005) and 1603 (2005)).

⁹³ S/PRST/2005/28.

⁹⁴ S/PRST/2005/58.

⁹⁵ S/PRST/2006/2.

implement the road map, in good faith and in a spirit of trust, in order to organize free, fair, open and transparent elections by 31 October 2006.⁹⁶

By a statement of the President dated 7 August 2006, the Council affirmed its commitment to the implementation of the peace process and of the road map. The Council welcomed the initiatives of the Prime Minister, Charles Konan Banny, and the ongoing dialogue among the President, the Prime Minister and all other Ivorian parties.⁹⁷

By resolution 1739 (2007) of 10 January 2007, the Council decided that UNOCI would, inter alia, have the following mandate: to observe and monitor the implementation of the joint declaration of the end of the war of 6 April 2005 and of the comprehensive ceasefire agreement of 3 May 2003; to prevent, within its capabilities and its areas of deployment, any hostile action, and to investigate violations of the ceasefire; and to promote the peace process as referred to in resolution 1721 (2006) throughout the territory of Côte d'Ivoire, through the mission's public information capacity, in particular its radio broadcasting capability through UNOCI FM.

By a statement of the President dated 28 March 2007, the Council welcomed the agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007.⁹⁸ It underlined that the Ouagadougou agreement provided a good basis for a comprehensive and all-inclusive settlement of the crisis in Côte d'Ivoire through the organization of credible elections. The Council endorsed the Agreement and called upon the Ivorian parties to implement it fully, in good faith and within a set timetable.⁹⁹

By resolution 1782 (2007) of 29 October 2007, while welcoming the initial measures to implement the Ouagadougou Political Agreement, the Council recalled its request to the Ivorian parties to implement their commitments under the Agreement fully and in good faith, and urged them to take, without delay, the

specific measures necessary to make progress, in particular in the identification and registration of voters, the disarmament and dismantling of militias, the disarmament, demobilization and reintegration programme, the unification and restructuring of the defence and security forces and the restoration of State authority throughout the country.

The situation concerning the Democratic Republic of the Congo

By statements of the President dated 7 June and 22 June 2004 on the situation concerning the Democratic Republic of the Congo,¹⁰⁰ the Council urged all parties represented in the Government of National Unity and Transition to remain fully committed to the peace process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, and to abstain from any action that would endanger the unity of the transitional Government. By the statement of 7 June 2004, the Council also urged the Government of Rwanda, taking into account its previous relationship with the Rassemblement congolais pour la démocratie-Goma, and all other neighbouring States to do all in their power to support the peace process and help to secure a peaceful resolution to the crisis, while at the same time refraining from any action or declaration that might negatively affect the situation in the Democratic Republic of the Congo.

By resolution 1565 (2004) of 1 October 2004, the Council, welcoming the efforts of the Government of National Unity and Transition for the implementation of the Global and All-Inclusive Agreement, called upon all the Congolese parties to honour their commitments in that regard, in particular so that free, fair and peaceful elections could be held within the agreed time frame.

By a statement of the President dated 7 December 2004, following multiple reports of military operations of the Rwandan army in the eastern part of the Democratic Republic of the Congo, the Council called upon the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda to commit themselves to and make full use of the multilateral mechanisms that they had agreed to establish, including the Joint Verification Mechanism and the Tripartite Commission, for the peaceful resolution of their disputes. The Council also welcomed steps taken

⁹⁶ S/PRST/2006/14, S/PRST/2006/20 and S/PRST/2006/32.

⁹⁷ S/PRST/2006/37.

⁹⁸ The Ouagadougou Political Agreement provided for the acceleration of identification operations for the elections, further progress in disarmament, demobilization and reintegration of former combatants, and the restoration of State authority throughout the territory of Côte d'Ivoire (see S/2007/144).

⁹⁹ S/PRST/2007/8.

¹⁰⁰ S/PRST/2004/19 and S/PRST/2004/21.

to set up the plan established by the Congolese authorities, with the support of the United Nations Organization Mission in the Democratic Republic of the Congo, aimed at accelerating the disarmament and demobilization of foreign armed groups.¹⁰¹

By a statement of the President dated 12 April 2005, the Council, welcoming the statement issued by the Forces démocratiques de libération du Rwanda (FDLR), in which they condemned the 1994 genocide and committed themselves to renounce the use of force and cease all offensive operations against Rwanda, considered it a significant opportunity to move towards peace in the Democratic Republic of the Congo, national reconciliation in Rwanda, and full normalization of relations between the two countries.¹⁰²

By a statement of the President dated 29 June 2005, the Council, underlining the importance of elections as the foundation for longer-term restoration of peace and stability, national reconciliation, and establishment of the rule of law in the Democratic Republic of the Congo, encouraged the Congolese people to mobilize for and conduct the electoral process in a peaceful manner. It also urged candidates and political parties to refrain from any action that might disrupt the process.¹⁰³

By resolution 1621 (2005) of 6 September 2005, the Council called upon the transitional institutions and all Congolese parties to ensure that free, fair and peaceful elections took place and that the timetable for polls developed by the Independent Electoral Commission was scrupulously respected.

By a statement of the President dated 3 August 2006, the Council urged all political actors in the Democratic Republic of the Congo to continue to work to ensure that the electoral process proceeded in a free, transparent and peaceful manner, in accordance with the agreed timetable.¹⁰⁴

By a statement of the President dated 22 September 2006, the Council, deploring the violence that had erupted between the security forces loyal to President Joseph Kabila and Vice-President Jean-Pierre Bemba, called upon all political parties and the President and Vice-President, to restate their

commitment to the peace process and to work within the agreed framework for the holding of the elections as a means of peacefully resolving political differences. The Council welcomed their first meeting as a first step in that direction and encouraged them to continue to seek a peaceful resolution of their differences.¹⁰⁵

After the elections, by a statement of the President dated 7 November 2006, the Council attached great importance to the signing of a declaration of post-electoral intent by the representatives of the two candidates in the second round of the presidential election and emphasized that political differences must be settled by peaceful means only.¹⁰⁶

By a statement of the President dated 3 April 2007, deploring the violence between the Congolese security forces and the security guards of Senator Jean-Pierre Bemba in the aftermath of the presidential elections, the Council regretted the use of violence instead of dialogue to resolve disputes, and urged all Congolese stakeholders to pursue negotiated solutions to their differences with respect for the constitutional framework and law. It called upon the Government to respect the space and role conferred on parties by the Constitution with a view to ensuring their effective participation in the national political debate, and encouraged all parties to remain committed to the political process.¹⁰⁷

The situation between Eritrea and Ethiopia

By several resolutions concerning the situation between Eritrea and Ethiopia,¹⁰⁸ the Council stressed its unwavering commitment to the peace process, including through the role played by the United Nations Mission in Ethiopia and Eritrea, and to the full and expeditious implementation of the Comprehensive Peace Agreement signed on 12 December 2000 at Algiers by the Governments of the two countries, the preceding Agreement on Cessation of Hostilities signed on 18 June 2000 and the delimitation decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002, embraced by the parties as final and binding in accordance with the Algiers Agreements. While stressing that Eritrea and Ethiopia had the primary

¹⁰¹ S/PRST/2004/45.

¹⁰² S/PRST/2005/15.

¹⁰³ S/PRST/2005/27.

¹⁰⁴ S/PRST/2006/36.

¹⁰⁵ S/PRST/2006/40.

¹⁰⁶ S/PRST/2006/44.

¹⁰⁷ S/PRST/2007/9.

¹⁰⁸ Resolutions 1560 (2004) of 14 September 2004, 1586 (2005) of 14 March 2005, 1622 (2005) of 13 September 2005, 1661 (2006) of 14 March 2006 and 1678 (2006) of 15 May 2006.

responsibility for the implementation of the Algiers Agreements and the decision of the Boundary Commission, the Council called upon the parties to show political leadership to achieve a full normalization of their relationship, including through the adoption of further confidence-building measures¹⁰⁹ and to consolidate progress achieved so far, by making full use of the existing framework of the Commission.¹¹⁰ It further called upon Eritrea to enter into dialogue and cooperation with the Special Envoy.¹¹¹

By resolution 1640 (2005) of 23 November 2005, the Council, noting with deep concern the high concentration of troops on both sides of the Temporary Security Zone, called upon Eritrea and Ethiopia to work, without preconditions, to break the stalemate through diplomatic efforts.

By a statement of the President dated 24 February 2006, the Council welcomed the successful convening in New York on 22 February 2006 of the meeting of the witnesses to the Algiers Agreement of 12 December 2000 and their efforts to resolve the current impasse between Eritrea and Ethiopia, in order to promote stability between the parties and lay the foundation for sustainable peace in the region.¹¹²

By resolution 1767 (2007) of 30 July 2007, the Council called upon the parties to maintain their full commitment to the Agreement on Cessation of Hostilities of 18 June 2000.

By a statement of the President dated 13 November 2007, the Council stressed the importance of the commitment of both Ethiopia and Eritrea to lay the foundation for sustainable peace in the region and, aware of the responsibilities of the United Nations under the Algiers Agreements, remained determined to encourage and assist both countries in attaining that objective. It urged the parties to take concrete steps to implement immediately and without preconditions the delimitation decision of the Boundary Commission, taking into account the commitments of the parties regarding the Temporary Security Zone, as expressed at the meeting of the Commission held on 6 and 7 September 2007, and to comply fully with the Algiers Agreements and prior resolutions of the Council and statements by its

President, including on the issue of demarcation. The Council called upon the parties to refrain from using force and to settle their disagreements by peaceful means, to normalize their relations, to promote stability between them and to lay the foundation for sustainable peace in the region.¹¹³

The situation in the Great Lakes Region

By resolution 1653 (2006) of 27 January 2006, the Council took note with satisfaction of the holding of the first International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, in Dar es Salaam, United Republic of Tanzania, on 19 and 20 November 2004. It also recognized the Good-Neighbourly Declaration adopted on 25 September 2003 by the representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda,¹¹⁴ and the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region¹¹⁵ adopted on 20 November 2004. It urged the countries of the Great Lakes region to continue their collective efforts to develop a subregional approach for promoting good relations, peaceful coexistence and peaceful resolution of disputes as envisaged in the aforementioned Dar es Salaam Declaration.

By a statement of the President dated 16 November 2006, the Council, welcoming the cessation of hostilities which took effect on 29 August 2006 and was renewed on 1 November 2006, and stressing the importance of peace and stability in the region, commended the Government of the Sudan for facilitating the agreement on the cessation of hostilities and for its efforts to further a long-term and peaceful solution to the conflict. It called upon all parties to commit themselves fully to that end.¹¹⁶

By a statement of the President dated 20 December 2006, after successful conclusion of the second summit

¹¹³ S/PRST/2007/43.

¹¹⁴ S/2003/983, annex.

¹¹⁵ The Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region was signed by leaders of Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia. It defined a framework for collective efforts of the countries of the Great Lakes region aimed at the achievement of peace, security, good governance, democracy and development in the region.

¹¹⁶ S/PRST/2006/45. See also S/PRST/2007/6.

¹⁰⁹ Resolution 1560 (2004), para. 5.

¹¹⁰ Resolution 1586 (2005), para. 5.

¹¹¹ Resolution 1560 (2004), para. 9.

¹¹² S/PRST/2006/10.

of the International Conference on the Great Lakes Region, the Council congratulated regional leaders on the signing of the Pact on Security, Stability and Development in the Great Lakes Region and welcomed their commitment to its implementation.¹¹⁷

By a statement of the President dated 22 March 2007, the Council stressed its support for a negotiated settlement to the conflict in Northern Uganda, and commended the Government of Southern Sudan and others for their efforts to further a long-term and peaceful solution. It welcomed the meeting between the Government of Uganda and the Lord's Resistance Army held on 11 March 2007, with community representatives present, and the progress made towards a resumption of talks. The Council expressed its hope for further progress in the talks and the renewal of the cessation of hostilities agreement.¹¹⁸

The situation in Liberia

In connection with the situation in Liberia and the implementation of the Comprehensive Peace Agreement of 18 August 2003,¹¹⁹ the Council, by resolution 1561 (2004) of 17 September 2004, called upon all Liberian parties to demonstrate their full commitment to the peace process and to work together to ensure that free, fair and transparent elections took place as planned no later than October 2005.

By resolution 1579 (2004) of 21 December 2004, noting the completion of demobilization and disarmament, respect for the ceasefire, and implementation of the Comprehensive Peace Agreement, the Council emphasized that significant challenges remained in completing the reintegration, repatriation and restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion.

By resolution 1626 (2005) of 19 September 2005, the Council called upon all Liberian parties to demonstrate their full commitment to a democratic process of government by ensuring that the upcoming

¹¹⁷ S/PRST/2006/57.

¹¹⁸ S/PRST/2007/6.

¹¹⁹ The Comprehensive Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties was signed on 18 August 2003 in Accra. Among other commitments, parties agreed to conduct national elections not later than October 2005 (see S/2003/850).

presidential and legislative elections were peaceful, transparent, free and fair.

The situation in Sierra Leone

By resolution 1537 (2004) of 30 March 2004 concerning the situation in Sierra Leone, the Council commended the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraged the Presidents of the States members of the Mano River Union to resume dialogue and to renew their commitment to building regional peace and security.

By resolution 1793 (2007) of 21 December 2007, the Council welcomed the holding of peaceful and democratic parliamentary and presidential elections in August and September 2007, and stressed that the wide acceptance of the local elections in June 2008 would be another important milestone in consolidating a sustainable peace in Sierra Leone. It also welcomed the adoption on 12 December 2007 of the Sierra Leone Peacebuilding Cooperation Framework highlighting, inter alia, five priority areas in the peace consolidation process to be addressed by the Government of Sierra Leone with the support of the Peacebuilding Commission, the United Nations system and bilateral and multinational partners.

The situation in Somalia

In a statement of the President dated 25 February 2004 concerning the situation in Somalia, and following developments in the Somali National Reconciliation Process, the Council reiterated its firm support for that process and the Somali National Reconciliation Conference in Kenya. The Council welcomed the signing in Nairobi, on 29 January 2004, of the Declaration on Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings, as an important step towards lasting peace and reconciliation in Somalia. It urged all signatories to the agreement to fully abide by their commitment to move the peace process forward. The Council called upon the Somali parties to build on the progress achieved and swiftly conclude the Somali National Reconciliation Conference with a durable and inclusive solution to the conflict in Somalia by establishing a viable transitional government. The Council called upon all neighbouring States to continue their endeavours to participate fully and constructively

for the success of the Somali National Reconciliation Process and the attainment of peace in the region.¹²⁰

By a statement of the President dated 14 July 2004, the Council welcomed the launching of phase III of the Somali National Reconciliation Conference, and encouraged all parties to continue in their ongoing efforts to move the process forward and agree on a durable and inclusive solution to the conflict in Somalia and the establishment of a transitional federal Government for Somalia. The Council commended the work of Mr. Winston A. Tubman, the Representative of the Secretary-General, welcomed his visit to the region in support of the Intergovernmental Authority on Development-sponsored Somali peace process, and encouraged him to continue his facilitation efforts.¹²¹

By a statement of the President dated 19 November 2004, the Council called upon all Somali parties to seize the historic opportunity for peace by developing a programme of action and timetable for the transitional period, creating a favourable environment for long-term stability and making determined efforts to rebuild the country.¹²²

By a statement of the President dated 7 March 2005, the Council urged all Somali factions and militia leaders to cease hostilities and encouraged them and the Transitional Federal Government to enter into immediate negotiations for a comprehensive and verifiable ceasefire agreement leading to final disarmament. The Council welcomed the efforts of the United Nations Political Office for Somalia and its leading role in coordinating support for the Transitional Federal Government to implement the agreements reached at the Somali National Reconciliation Conference and establish peace and stability in Somalia.¹²³

By a statement of the President dated 14 July 2005, the Council, encouraged by the relocation of the transitional federal institutions to Somalia, urged further progress in that regard and called upon the Somali leaders to continue to work towards reconciliation, through inclusive dialogue and consensus-building within the framework of the transitional federal institutions, in

accordance with the Transitional Federal Charter of the Somali Republic adopted in February 2004.¹²⁴

By a statement of the President dated 13 July 2006, the Council, welcoming the agreement reached in Khartoum on 22 June 2006 between the Transitional Federal Government and the Islamic Courts, emphasized the importance of dialogue between the two parties. It urged all parties to engage constructively at the next round of talks, and looked forward to further progress in pursuit of a lasting political process.¹²⁵

By resolution 1725 (2006) of 6 December 2006, emphasizing its willingness to engage with all parties in Somalia committed to achieving a political settlement through peaceful and inclusive dialogue, the Council urged both the transitional federal institutions and the Union of Islamic Courts to unite behind and continue a process of dialogue, recommit to the principles of the Khartoum Declaration of 22 June 2006 and the agreements made at the meeting held in Khartoum from 2 to 4 September 2006, and establish a stable security situation inside Somalia.

By a statement of the President dated 22 December 2006, the Council, expressing its deep concern over the continued violence inside Somalia, in particular the intensified fighting between the Union of Islamic Courts and the transitional federal institutions, called upon the parties to draw back from conflict, recommit to dialogue, and immediately implement resolution 1725 (2006).¹²⁶

By a statement of the President dated 30 April 2007, the Council welcomed the commitment of the transitional federal institutions to initiate a national reconciliation process, and stressed the need for further progress. It underlined the need for the transitional federal institutions to meet their responsibilities during the transitional period, with particular regard to promoting the widest possible political dialogue across Somalia.¹²⁷

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

By a statement of the President dated 25 May 2004 concerning the humanitarian and human rights

¹²⁰ S/PRST/2004/3.

¹²¹ S/PRST/2004/24.

¹²² S/PRST/2004/43.

¹²³ S/PRST/2005/11.

¹²⁴ S/PRST/2005/32.

¹²⁵ S/PRST/2006/31.

¹²⁶ S/PRST/2006/59.

¹²⁷ S/PRST/2007/13.

situation in the Darfur region of the Sudan, the Council, while welcoming the ceasefire agreement signed on 8 April 2004 in N'Djamena, emphasized the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence. It further called upon the Government of the Sudan to respect its commitments to ensure that the Janjaweed militias were neutralized and disarmed.¹²⁸

Reports of the Secretary-General on the Sudan

Following the submission on 3 June 2004 of the report of the Secretary-General on the Sudan concerning the state of the north-south peace process, the Council, by resolution 1547 (2004) of 11 June 2004, welcomed the signing of the declaration on 5 June 2004 in Nairobi in which the parties confirmed their agreement to the six protocols signed by the Government of the Sudan and the Sudan People's Liberation Movement/Army and reconfirmed their commitment to completing the remaining stages of negotiations. It urged the two parties involved to conclude speedily a comprehensive peace agreement, believing that the progress made in the Naivasha negotiation process would contribute to improved stability and peace in the Sudan.

By resolution 1564 (2004) of 18 September 2004, the Council called upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, to work together under the auspices of the African Union to reach a political solution in the negotiations held in Abuja under the leadership of President Obasanjo, and urged the parties to the negotiations to sign and implement the humanitarian agreement immediately and to conclude a protocol on security issues. The Council underscored and supported the role of the African Union in monitoring the implementation of all such agreements reached. The Council urged the Government of the Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan.

In connection with the north-south peace process, by resolution 1574 (2004) of 19 November 2004, the Council declared its strong support for the efforts of the Government of the Sudan and the Sudan People's Liberation Movement/Army to reach a comprehensive

peace agreement and encouraged the parties to redouble their efforts in that regard. The Council welcomed the signing of the memorandum of understanding in Nairobi on 19 November 2004 entitled "Declaration on the conclusion of the negotiations of the Intergovernmental Authority on Development on peace in the Sudan", by which the parties agreed that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constituted and formed the core peace agreement. The Council strongly endorsed the parties' commitment to reach a final comprehensive agreement by 31 December 2004, expecting that it would be fully and transparently implemented, with the appropriate international monitoring. The Council declared its commitment, upon conclusion of a comprehensive peace agreement, to assist the people of the Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties were fulfilling all their commitments. The Council emphasized that a comprehensive peace agreement would contribute towards sustainable peace and stability throughout the Sudan and to the efforts to address the crisis in Darfur, and underlined the need for a national and inclusive approach, including the role of women, towards reconciliation and peacebuilding. It further underlined the importance of progress in peace talks in Abuja between the Government of the Sudan and the Sudan Liberation Army and the Justice and Equality Movement towards resolving that crisis and insisted that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily. The Council welcomed the signature of the Humanitarian and Security Protocols on 9 November 2004 and urged the parties to implement them rapidly, and looked forward to the early signature of a declaration of principles with a view to a political settlement.

By resolution 1590 (2005) of 24 March 2005, the Council welcomed the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army in Nairobi on 9 January 2005. Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, the Council called upon all Sudanese parties, in particular those parties to the Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur.

By resolution 1627 (2005) of 23 September 2005, the Council welcomed the implementation of the

¹²⁸ S/PRST/2004/18.

Comprehensive Peace Agreement by the two parties, and, in particular, the formation of the Government of National Unity as a significant and historic step towards lasting peace in the Sudan.

By a statement of the President dated 13 October 2005, the Council, expressing its concern over an upsurge of violence in Darfur, demanded that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N'Djamena ceasefire agreement, end impediments to the peace process and cooperate fully with the African Union Mission in the Sudan. It also expressed its firm commitment to the cause of peace in all of the Sudan, including through the Abuja talks and through full implementation of the Comprehensive Peace Agreement. It encouraged the Government of National Unity and the Darfur rebels to engage in the search for a solution to the Darfur conflict. The Council urged all parties to make rapid progress at the Abuja talks to conclude a peace agreement without further delay.¹²⁹

By a statement of the President dated 3 February 2006, the Council stressed the importance of urgently reaching a successful conclusion of the Abuja peace talks and called upon all parties to negotiate in good faith in order to reach a peace accord. It reiterated in the strongest terms the need for all parties in Darfur to end the violence and atrocities. The Council demanded that all parties to the Darfur conflict cooperate fully with the African Union Mission in the Sudan and fulfil all the obligations to which they had committed themselves.¹³⁰

By resolution 1663 (2006) of 24 March 2006, the Council, welcoming the implementation by the parties of the Comprehensive Peace Agreement of 9 January 2005, and urging them to meet their commitments, stressed the importance of urgently reaching a successful conclusion of the Abuja peace talks, and called upon the parties to conclude a peace agreement as soon as possible.

By a statement of the President dated 9 May 2006, the Council strongly welcomed the agreement of 5 May 2006 reached at the Inter-Sudanese Peace Talks in Abuja as a basis for lasting peace in Darfur, commended the signatories to the agreement, and

¹²⁹ S/PRST/2005/48.

¹³⁰ S/PRST/2006/5.

expressed its appreciation of the efforts of the President of the Congo, the President of Nigeria and the Special Envoy of the African Union and Chief Mediator. The Council called upon all the parties to respect their commitments and implement the agreement without delay, and urged those movements that had not signed the agreement to do so without delay, noting the benefits it would bring them and the people of Darfur, and not to act in any way that would impede implementation of the agreement.¹³¹

By resolution 1679 (2006) of 16 May 2006, the Council stressed the importance of full and rapid implementation of the Darfur Peace Agreement to restore a sustainable peace in Darfur, and welcomed the statement, made on 9 May 2006 by the representative of the Sudan at the special meeting of the Security Council on Darfur, of the Government of National Unity's full commitment to implementing the Darfur Peace Agreement. The Council called upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay, and urged those parties that had not signed the Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement.

By resolution 1706 (2006) of 31 August 2006, the Council, welcoming the efforts of the African Union to find a solution to the crisis in Darfur, including through the success of the African Union-led Inter-Sudanese Peace Talks in Abuja, in particular the Darfur Peace Agreement, commended the efforts of the signatories to the Agreement.

By resolution 1714 (2006) of 6 October 2006, the Council called upon the parties to the Comprehensive Peace Agreement, the Darfur Peace Agreement and the N'Djamena Humanitarian Ceasefire Agreement to respect their commitments and implement fully all aspects of the Agreements without delay, and called upon those parties that had not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement.

By resolution 1755 (2007) of 30 April 2007, the Council called upon the parties to the Comprehensive Peace Agreement to accelerate urgently progress on implementing all their commitments, in particular to carry out the establishment of Joint Integrated Units

¹³¹ S/PRST/2006/21.

and other aspects of the security sector reforms, to re-energize the process of disarmament, demobilization and reintegration of combatants, and to complete the full and verified redeployment of forces by 9 July 2007. The Council called upon the parties to the Comprehensive Peace Agreement, the Darfur Peace Agreement, the N'Djamena Humanitarian Ceasefire Agreement, the Eastern Sudan Peace Agreement and the communiqué of 28 March 2007 to respect their commitments and implement fully all aspects of those agreements without delay, and called upon those parties that had not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede the implementation of the Agreement.

By resolution 1769 (2007) of 31 July 2007, the Council, expressing concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, stressed that regional security aspects must be addressed to achieve long-term peace in Darfur, and called upon the Governments of the Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006 and subsequent bilateral agreements.

Emphasizing that there could be no military solution to the conflict in Darfur, the Council welcomed the commitment expressed by the Government of the Sudan and some other parties to the conflict to enter into talks and the political process under the mediation and in line with the deadlines set out in the road map of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur. The Council called upon the other parties to the conflict to do likewise, and urged all the parties, in particular the non-signatory movements, to finalize their preparations for the talks.

By a statement of the President dated 24 October 2007, the Council stressed the urgent need for an inclusive and sustainable political settlement in Darfur and strongly welcomed the convening of peace talks on 27 October in Sirte, under the leadership of the United Nations Special Envoy and the African Union Special Envoy, who had the Council's full support. It called upon all parties to attend and to engage fully and constructively in the talks, and, as a first step, to urgently agree upon and implement a cessation of hostilities to be overseen by the United Nations and the African Union. The Council underlined its willingness to take action against any party that sought to undermine the peace process, including by failing to

respect such a cessation of hostilities or by impeding the talks, peacekeeping or humanitarian aid.¹³²

By resolution 1784 (2007) of 31 October 2007, the Council stressed the importance of full and expeditious implementation of all elements of the Comprehensive Peace Agreement, the N'Djamena Humanitarian Ceasefire Agreement, the Darfur Peace Agreement and the Eastern Sudan Peace Agreement, and called for all the parties to respect their commitments to these agreements without delay.

The situation concerning Western Sahara

Following the submission of the report of the Secretary-General on the situation concerning Western Sahara, the Council, by resolution 1541 (2004) of 29 April 2004, called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy.

By resolution 1754 (2007) of 30 April 2007, the Council called upon the Kingdom of Morocco and the Frente Polisario to enter into negotiations without preconditions, in good faith and taking into account the developments of the previous months, with a view to achieving a just, lasting and mutually acceptable political solution which would provide for the self-determination of the people of Western Sahara.

By resolution 1783 (2007) of 31 October 2007, the Council, welcoming the progress made by the parties to enter into direct negotiations under the auspices of the Secretary-General, took note of the parties' agreement to continue the process of negotiations through United Nations-sponsored talks. It called upon them to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations.

Asia

The situation in Afghanistan

By a statement of the President dated 6 April 2004 concerning the situation in Afghanistan, the Council expressed its full support for the commitment of Afghanistan and the international community to successfully complete the implementation of the Agreement on Provisional Arrangements in Afghanistan

¹³² S/PRST/2007/41.

Pending the Re-establishment of Permanent Government Institutions, signed in Bonn, Germany, on 5 December 2001.¹³³

By resolution 1589 (2005) of 24 March 2005, the Council, welcoming the substantial progress in the disarmament, demobilization and reintegration process in accordance with the Bonn Agreement, encouraged the Government of Afghanistan to continue its active efforts to accelerate the process towards its completion by June 2006, to disband the illegal armed groups and to dispose of the ammunition stockpile.

By resolution 1662 (2006) of 23 March 2006, the Council called upon all Afghan parties and groups to engage constructively in the peaceful political development of the country and avoid resorting to violence. It welcomed the substantial progress in the disarmament, demobilization and reintegration process in accordance with the Bonn Agreement.

By resolution 1746 (2007) of 23 March 2007, the Council called upon all Afghan parties and groups to engage constructively in an inclusive political dialogue, within the framework of the Afghan Constitution and Afghan-led reconciliation programmes, and in the social development of the country, and stressed the importance of these factors to enhance security and stability.

The situation in Myanmar

By a statement of the President dated 11 October 2007 concerning the situation in Myanmar, the Council, emphasizing the importance of the early release of all political prisoners and remaining detainees, called upon the Government of Myanmar and all other parties concerned to work together towards a de-escalation of the situation and a peaceful solution. It stressed the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the direct support of the United Nations.¹³⁴

The situation in Timor-Leste

By resolution 1704 (2006) of 25 August 2006, the Council decided that the mandate of the United Nations Integrated Mission in Timor-Leste would be, inter alia,

to support the Government of Timor-Leste and relevant institutions with a view to consolidating stability, enhancing a culture of democratic governance and facilitating political dialogue among Timorese stakeholders in their efforts to bring about a process of national reconciliation and to foster social cohesion.

By a statement of the President dated 10 September 2007, following the holding of legislative elections and the formation of the new Government in Timor-Leste, the Council emphasized the need for all parties to resolve any disputes through exclusively peaceful channels and within the framework of democratic institutions, and called upon the people of Timor-Leste to refrain from violence and work together in order to ensure security. The Council called upon the Government, Parliament, political parties and the people of Timor-Leste to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, sustainable social and economic development and national reconciliation in the country.¹³⁵

Americas

The question concerning Haiti

By a statement of the President dated 26 February 2004 concerning Haiti, the Council expressed deep concern in regard to the deterioration of the political, security and humanitarian environment in Haiti, and noted that the principles outlined in the Caribbean Community/Organization of American States Plan of Action represented an important basis for a solution to a crisis. It called upon the parties to act responsibly by choosing negotiation instead of confrontation.¹³⁶

By resolution 1542 (2004) of 30 April 2004, by which it established the United Nations Stabilization Mission in Haiti, the Council took note of the political agreement reached by some key parties on 4 April 2004, and urged all parties to work without delay towards a broad political consensus on the nature and duration of the political transition.

By a statement of the President dated 10 September 2004 in connection with the transitional process in Haiti, the Council underlined the fact that only a comprehensive and inclusive dialogue in Haiti could lay down the foundations of a peaceful and democratic political environment. It called upon all

¹³³ S/PRST/2004/9.

¹³⁴ S/PRST/2007/37.

¹³⁵ S/PRST/2007/33.

¹³⁶ S/PRST/2004/4.

Haitian political actors to participate in the national dialogue, as well as in the transition and the electoral process to occur in 2005.¹³⁷

Europe

The situation in Bosnia and Herzegovina

By several resolutions concerning the situation in Bosnia and Herzegovina,¹³⁸ the Council emphasized its full support for the continued role of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The Council reminded the parties that, under the Peace Agreement, they had committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which were otherwise authorized by the Security Council. The Council emphasized its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement. The Council also expressed its determination to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations.¹³⁹

The situation in Cyprus

By two resolutions concerning the situation in Cyprus, by which it extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP), the Council urged Greek Cypriots and Turkish Cypriots to work towards the resumption of negotiations for a comprehensive settlement of the Cyprus problem.¹⁴⁰

By resolutions 1728 (2006) of 15 December 2006, 1758 (2007) of 15 June 2007 and 1789 (2007) of 14 December 2007, the Council welcomed the principles and decisions enshrined in the agreement of

¹³⁷ S/PRST/2004/32.

¹³⁸ Resolutions 1551 (2004), 1575 (2004), 1639 (2005), 1722 (2006) and 1785 (2007).

¹³⁹ Resolutions 1639 (2005), 1722 (2006) and 1785 (2007).

¹⁴⁰ Resolutions 1642 (2005) and 1687 (2006).

8 July 2006,¹⁴¹ including recognition that the status quo was unacceptable and that a comprehensive settlement based on a bicomunal, bizonal federation and political equality, as set out in the relevant Security Council resolutions, was both desirable and possible and should not be delayed. In resolution 1789 (2007), the Council deplored the continued failure to implement the agreement of 8 July 2006; urged the leaders of both communities to act to start the process without delay in order to prepare the ground for fully fledged negotiations leading to a comprehensive and durable settlement; and called upon both sides to continue to engage, as a matter of urgency, in consultations with UNFICYP on the demarcation of the buffer zone, and on the United Nations aide-memoire of 1989, with a view to reaching early agreement on outstanding issues.

The situation in Georgia

By resolution 1524 (2004) of 30 January 2004, the Council, having considered the report of the Secretary-General on the situation in Abkhazia, Georgia, noted the holding of presidential elections in Georgia in January 2004, and encouraged the new Georgian leadership as well as the Abkhaz side to pursue a comprehensive, peaceful political settlement of the conflict in Abkhazia. The Council stressed that result-oriented activities in three priority areas — economic cooperation, the return of internally displaced persons and refugees, and political and security matters — remained key for building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the document entitled “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and its letter of transmittal. Finally, the Council called upon the parties to ensure the necessary revitalization of the peace process in all its major aspects.

By resolution 1554 (2004) of 29 July 2004, the Council called upon the parties to spare no effort to overcome their ongoing mutual mistrust, and underlined the fact that the process of negotiation

¹⁴¹ On 8 July 2006, the Greek Cypriot and Turkish Cypriot leaders signed a Set of Principles and a decision by the two leaders, affirming, inter alia, their commitment to a comprehensive settlement and the establishment of technical committees on issues affecting the day-to-day life of people (see S/2006/572).

leading to a lasting political settlement acceptable to both sides would require concessions from both sides. The Council further called upon the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, and to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001.

By resolutions 1582 (2005) of 28 January 2005 and 1615 (2005) of 29 July 2005, the Council called upon both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust, and underlined the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides would require concessions from both sides. The Council welcomed the commitment by the Georgian side to a peaceful resolution of the conflict, and called upon both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options.

By resolution 1716 (2006) of 13 October 2006, the Council urged both parties to comply fully with previous agreements and understandings regarding ceasefire, non-use of violence and confidence-building measures, and stressed the need to strictly observe the Moscow Agreement in the air, on the sea and on land, including in the Kodori Valley. While commending the presentation by both sides of ideas as a basis for dialogue, the Council called upon the two sides to resume the dialogue by using all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement.

By resolution 1752 (2007) of 13 April 2007, the Council called upon both sides to resume dialogue, to make full use of all existing mechanisms as described in the relevant Council resolutions, to comply fully with previous agreements regarding ceasefire measures and the non-use of violence, and to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons. The Council urged the sides to address seriously each other's legitimate security concerns, to refrain from any actions which might impede the peace process, and to extend the necessary cooperation to the United Nations Observer Mission in Georgia and the peacekeeping force of the Commonwealth of Independent States.

By resolution 1781 (2007) of 15 October 2007, the Council called upon the parties to further increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement, including the safe and dignified return of refugees and internally displaced persons.

Middle East

The situation in the Middle East, including the Palestinian question

By a statement of the President dated 16 February 2005, the Council welcomed the summit held in Sharm El-Sheikh on 8 February 2005, and the resumption of direct talks between the Prime Minister of Israel and the President of the Palestinian Authority. It commended the role being played by Egypt and Jordan in facilitating a successful resumption of dialogue between the two parties within the framework of the road map.¹⁴²

By a statement of the President dated 9 March 2005, the Council hoped that the London Meeting on Supporting the Palestinian Authority, held on 1 March, would be part of the longer-term process of international support to the Palestinian people and the Palestinian Authority and a contribution to helping both sides to implement the road map endorsed by the Council in its resolution 1515 (2003) and agreed to by the parties as the path towards a lasting comprehensive negotiated settlement to the Middle East conflict, based on Council resolutions 242 (1967), 338 (1973) and 1397 (2002).¹⁴³

By a statement of the President dated 23 September 2005, the Council supported the statement issued by the Quartet on 20 September 2005 after its meeting in New York to discuss the Gaza disengagement and the prospects for movement towards peace in the Middle East. The Council urged the Government of Israel and the Palestinian Authority to cooperate, along with other parties concerned, with the efforts to achieve the goals set out in the aforementioned statement.¹⁴⁴

By a statement of the President dated 30 November 2005, the Council welcomed the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing reached between the Government of Israel and the Palestinian Authority on

¹⁴² S/PRST/2005/6.

¹⁴³ S/PRST/2005/12.

¹⁴⁴ S/PRST/2005/44.

15 November 2005. It called upon the parties to take immediate action to implement the terms of both agreements according to the timelines established therein. The Council stressed the importance of, and the need to achieve, a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Madrid terms of reference and the principle of land for peace.¹⁴⁵

The situation in the Middle East

By resolution 1680 (2006) of 17 May 2006, the Council welcomed the decision of the Lebanese national dialogue to disarm Palestinian militias outside refugee camps within six months, supported its implementation, and called for further efforts to disband and disarm all Lebanese and non-Lebanese militias and to restore fully the Government of Lebanon's control over all Lebanese territory.

By a statement of the President dated 12 December 2006, the Council stressed that there could be no military solution to the problems of the region and that negotiation was the only viable way to bring peace and prosperity to peoples throughout the Middle East. The Council further welcomed the agreement between Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas to establish a mutual ceasefire in Gaza. The Council welcomed the steps taken by both sides to maintain the ceasefire and expressed its hope that it would lead to a sustained period of calm. It called upon both sides to avoid any actions that could jeopardize further progress.¹⁴⁶

By resolution 1773 (2007) of 24 August 2007, the Council welcomed the tripartite arrangements referred to in the report of the Secretary General, and encouraged the parties to coordinate further with the United Nations Interim Force in Lebanon, notably to visibly mark the Blue Line and reach an agreement on the northern part of Ghajar. The Council called upon all parties to cooperate fully with the Security Council and the Secretary General to achieve a permanent ceasefire and a long term solution as envisioned in resolution 1701 (2006), and emphasized the need for greater progress in that regard.

¹⁴⁵ S/PRST/2005/57.

¹⁴⁶ S/PRST/2006/51.

C. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

While Article 99 of the Charter provides that 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, the Charter does not otherwise describe or define the role of the Secretary-General in relation to matters of peace and security. The Council's efforts at conflict prevention and the peaceful settlements of disputes have increasingly, however, required the involvement of the Secretary-General.

During the period under review, the Council recognized, in a number of decisions, the important role that the Secretary-General was called upon to play in the prevention of armed conflicts.

By resolution 1625 (2005) of 14 September 2005, in connection with the Council's consideration of the item entitled "Threats to international peace and security", the Council affirmed its determination to strengthen United Nations conflict prevention capacities by, inter alia, assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide information to the Council on such developments pursuant to Article 99 of the Charter. The Council further requested the Secretary-General to provide to the Council regular reports and analyses of developments in regions of potential armed conflicts, particularly in Africa, and as appropriate a presentation of ongoing preventive diplomacy initiatives. It also requested the Secretary-General to assist countries at risk of armed conflict in performing strategic conflict risk assessments, implementing the measures agreed by the concerned countries, enhancing national dispute management capacities, and addressing the root causes of armed conflict.

In a statement by its President dated 28 August 2007, the Council noted the recommendations in the report of the Secretary-General on the prevention of armed conflict,¹⁴⁷ welcomed the efforts that had been made to strengthen the risk assessment and conflict prevention capacities of the United Nations, and

¹⁴⁷ A/60/891.

encouraged the Secretary-General to continue those efforts in order to improve the United Nations early warning, mediation support and other preventive activities in Africa and around the world. The Council stressed the crucial role of the Special Advisers of the Secretary-General on the Prevention of Genocide and on matters relating to the prevention and resolution of conflict as well as, where appropriate, the contribution of United Nations bodies such as the Peacebuilding Commission and the Human Rights Council.¹⁴⁸

During the period under review, in accordance with the provisions of Article 33 of the Charter, the Council frequently called on the parties to a dispute or situation to cooperate in negotiations held under the auspices of the Secretary-General, expressed support for conciliation efforts undertaken by the Secretary-General, expressly requested the Secretary-General to assume an active role in the process of achieving a political settlement, or endorsed the initiatives of the Secretary-General within the framework of his good offices. In this context, the Secretary-General made more frequent use of Special Envoys, Advisers and Representatives to assist him in his efforts.¹⁴⁹ For instance, he appointed a Special Representative for the Sudan;¹⁵⁰ subsequently, the Council requested the Secretary-General, through his Special Representative, to provide good offices and political support for the efforts to resolve all ongoing conflicts in the Sudan.¹⁵¹

Beyond the discharge of his good offices, the Secretary-General increasingly proposed the establishment or continuation of special political missions in a number of places around the world, to undertake peacebuilding efforts to prevent conflicts or the re-emergence of conflicts, which included political, humanitarian and development assistance, as well as assistance to transitional national governments in establishing viable institutions. For instance, on the basis of the recommendations of the Secretary-General that an integrated office be established in Sierra Leone following the withdrawal of the United Nations Mission in Sierra Leone in order to continue to assist the Government of Sierra Leone to consolidate peace by enhancing political and economic governance,

building the national capacity for conflict prevention, and preparing for elections in 2007,¹⁵² the Council, by resolution 1620 (2005) of 31 August 2005, established the United Nations Integrated Office in Sierra Leone for an initial period of 12 months, beginning on 1 January 2006.

In connection with the item entitled “Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)”, the Council welcomed the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process¹⁵³ and, having considered its recommendations, which were based on the request of the signatories of the Comprehensive Peace Agreement and the findings of the technical assessment mission, decided to establish a United Nations political mission in Nepal under the leadership of a Special Representative of the Secretary-General to, inter alia, monitor the management of arms and armed personnel of both sides, in line with the provisions of the Agreement. The Council welcomed the Secretary-General’s proposal that his Special Representative coordinate the United Nations effort in Nepal in support of the peace process, in close consultation with the relevant parties in Nepal and in close cooperation with other international actors.¹⁵⁴

The overview that follows sets out examples, by region and in chronological order, of decisions by which the Security Council specifically requested, supported, endorsed, encouraged or welcomed the Secretary-General’s endeavours in the peaceful settlement of disputes and the prevention of outbreak or recurrence of conflict. The practice described below is illustrative and does not purport to be comprehensive.

Africa

The situation in Burundi

By resolution 1545 (2004) of 21 May 2004, following the submission of the report of the Secretary-General on Burundi,¹⁵⁵ conveying the assessment of the potential United Nations support for the implementation of the Arusha Agreement on Peace and Reconciliation in Burundi, the Council decided to

¹⁴⁸ S/PRST/2007/31.

¹⁴⁹ Including his Special Envoy in Africa, Special Adviser on Cyprus, Special Representative for the Great Lakes region, and Adviser for Special Assignments in Africa.

¹⁵⁰ See S/2004/503 and S/2004/504.

¹⁵¹ Resolution 1590 (2005), para. 3.

¹⁵² See S/2005/273 and Add.2.

¹⁵³ S/2007/7.

¹⁵⁴ See resolution 1740 (2007).

¹⁵⁵ S/2004/210.

authorize, for an initial period of six months as from 1 June 2004, with the intention to renew it for further periods, the deployment of a peacekeeping operation, the United Nations Operation in Burundi (ONUB), in order to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement. Furthermore, the Council authorized ONUB to use all necessary means to carry out its mandate, which included, *inter alia*, to ensure that ceasefire agreements were respected, by monitoring implementation and investigating violations of those agreements; and to contribute to the successful completion of the electoral process stipulated in the Arusha Agreement by ensuring a secure environment for free, transparent and peaceful elections.

By resolution 1606 (2005) of 20 June 2005, the Council requested the Secretary-General to initiate negotiations with the Government of Burundi and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame.

By resolution 1719 (2006) of 25 October 2006, the Council requested the Secretary-General to establish the United Nations Integrated Office in Burundi as recommended in the addendum to his report, in order to support the Government of Burundi in its effort towards long-term peace and stability throughout the peace consolidation phase. Furthermore, it called upon the Government of Burundi and the Parti pour la Libération du peuple Hutu — Forces Nationales de Libération to expeditiously implement in good faith the Comprehensive Ceasefire Agreement which they signed at Dar es Salaam on 7 September 2006 and to pursue their efforts to resolve outstanding issues in a spirit of cooperation.

The situation in the Central African Republic

By a statement of the President dated 22 November 2006, the Council welcomed the efforts of the Government of the Central African Republic to revive dialogue through meetings with political stakeholders and representatives of civil society. It called upon the Secretary-General to encourage, through the United Nations Peacebuilding Support Office in the Central African Republic, the holding on a regular basis of such meetings, which were vital to

restoring trust among Central Africans and promoting lasting reconciliation.¹⁵⁶

The situation in Côte d'Ivoire

By resolution 1528 (2004) of 27 February 2004, the Council decided to establish the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months as from 4 April 2004, requested the Secretary-General to transfer authority from the United Nations Mission in Côte d'Ivoire and the forces of the Economic Community of West African States (ECOWAS) to UNOCI on that date, and set out the mandate of the United Nations Operation in Côte d'Ivoire.

By a statement of the President dated 16 December 2004, the Council expressed its appreciation to the Special Representative of the Secretary-General for Côte d'Ivoire, for his unsparing efforts to support the restoration of a durable peace in Côte d'Ivoire under challenging circumstances.¹⁵⁷

By resolution 1572 (2004) of 15 November 2004, the Council expressed its full support for the efforts of the Secretary-General, the African Union and ECOWAS, and encouraged them to continue those efforts in order to relaunch the peace process in Côte d'Ivoire.

By resolution 1603 (2005) of 3 June 2005, the Council requested the Secretary-General to continue to keep it regularly informed of the developments in the situation in Côte d'Ivoire, and the implementation of the mandate of UNOCI¹⁵⁸ and of the Linas-Marcoussis and Pretoria Agreements.

By resolution 1765 (2007) of 16 July 2007, the Council endorsed the recommendations contained in the report of the Secretary-General of 14 May 2007,¹⁵⁹ which adapted the role of UNOCI to the new phase of the peace process in Côte d'Ivoire as set out in the Ouagadougou Political Agreement, and, accordingly, requested the mission, within its existing resources, to support the full implementation of that Agreement.

The situation in the Great Lakes region

By a statement of the President dated 22 March 2007, the Council commended the support provided to the talks between the Government of Uganda and the

¹⁵⁶ S/PRST/2006/47.

¹⁵⁷ S/PRST/2004/48.

¹⁵⁸ See resolution 1528 (2004).

¹⁵⁹ S/2007/275.

Lord's Resistance Army by States in the region, welcomed contributions to the Juba Initiative Project, and urged the Secretariat and the countries and regional actors involved to provide further support, where possible, to the Special Envoy of the Secretary-General, Joaquim Chissano, and the mediation team.¹⁶⁰

The situation between Eritrea and Ethiopia

By resolution 1767 (2007) of 30 July 2007, the Council welcomed and looked forward to the continuation of the ongoing efforts of the Secretary-General and the international community to engage with Eritrea and Ethiopia to help them to normalize their relations, to promote stability between the parties and to lay the foundation for sustainable peace in the region.

The situation in Guinea-Bissau

By resolution 1580 (2004) of 22 December 2004, the Council decided to extend the mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), as a special political mission, for one year from the date of adoption of the resolution, and decided also to revise the mandate of the Office to, inter alia, support all efforts to enhance political dialogue and to promote national reconciliation and respect for the rule of law and human rights. The Council encouraged the authorities of Guinea-Bissau to enhance political dialogue and pursue constructive civil-military relations, as a way forward, towards the peaceful completion of the political transition, including the holding of presidential elections as envisaged in the Political Transition Charter.

By a statement of the President dated 19 October 2007, the Council recognized and commended the important role played by the Representative of the Secretary-General for Guinea-Bissau and the staff of UNOGBIS towards helping to consolidate peace, democracy and the rule of law, and expressed its appreciation for their activities.¹⁶¹

The situation in Sierra Leone

By resolution 1620 (2005) of 31 August 2005, the Council requested the Secretary-General to establish the United Nations Integrated Office in Sierra Leone, as recommended in the addendum to his report,¹⁶²

beginning on 1 January 2006, with the following key tasks: to assist the Government of Sierra Leone in, inter alia, promoting a culture of peace, dialogue and participation in critical national issues through a strategic approach to public information and communication, including by building an independent and capable public radio capacity.

Reports of the Secretary-General on the Sudan

By resolution 1547 (2004) of 11 June 2004 concerning the Sudan, the Council declared its readiness to consider establishing a United Nations peace support operation to support the implementation of a comprehensive peace agreement, and requested the Secretary-General to submit to the Council his recommendations for the size, structure and mandate of that operation as soon as possible after the signing of a comprehensive peace agreement. The Council endorsed the conclusions of the Secretary-General with regard to the situation in the Sudan,¹⁶³ and urged the parties to the ceasefire agreement signed in N'Djamena on 8 April 2004 to conclude a political agreement without delay.

By resolution 1590 (2005) of 24 March 2005, the Council decided to establish the United Nations Mission in the Sudan (UNMIS) and requested the Secretary-General, through his Special Representative for the Sudan, to coordinate all the activities of the United Nations system in the Sudan. The mandate of the Mission was, inter alia, to assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of the Mission by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union; and to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of the Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Agreement to develop and consolidate the national legal framework.

By resolution 1706 (2006) of 31 August 2006, the Council requested the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National

¹⁶⁰ S/PRST/2007/6.

¹⁶¹ S/PRST/2007/38.

¹⁶² S/2005/273/Add.2.

¹⁶³ See S/2004/453.

Unity, on a plan and timetable for transition from the African Union Mission in the Sudan (AMIS) to a United Nations operation in Darfur; decided that those elements outlined in paragraphs 40 to 58 of the Secretary-General's report of 28 July 2006¹⁶⁴ should begin to be deployed no later than 1 October 2006, that thereafter as part of the process of transition to a United Nations operation additional capabilities should be deployed as soon as possible and that UNMIS should take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of the mandate of AMIS but in any event no later than 31 December 2006.

The situation concerning Western Sahara

By resolution 1754 (2007) of 30 April 2007, the Council called upon the Kingdom of Morocco and the Frente Polisario to enter into negotiations without preconditions, in good faith and taking into account the developments of the previous months, with a view to achieving a just, lasting and mutually acceptable political solution which would provide for the self-determination of the people of Western Sahara. The Council requested the Secretary-General to set up those negotiations under his auspices, and invited Member States to lend appropriate assistance to such talks.

Asia

The situation in Afghanistan

By a statement of the President dated 6 April 2004, the Council invited the Secretary-General to include in his future reports to the Council and the General Assembly on the situation in Afghanistan, in addition to the information on implementation of the Bonn Agreement, chapters on progress achieved in the implementation of the Berlin Declaration, the Work Plan of the Afghan Government and in the promotion of regional and international cooperation with Afghanistan.¹⁶⁵

The situation in Myanmar

By a statement of the President dated 11 October 2007, the Council welcomed the recent mission by the Special Adviser to the Secretary-General on Myanmar, Mr. Ibrahim Gambari, reaffirmed its strong and

unwavering support for the Secretary-General's mission of good offices as mandated by the General Assembly in its resolution 61/232 of 22 December 2006, and expressed its appreciation for the personal engagement of the Secretary-General.¹⁶⁶

The situation in Timor-Leste

By a statement of the President dated 25 May 2006, the Council welcomed the initiatives of the Secretary-General, including his intention to send a special envoy to Timor-Leste in order to facilitate the political dialogue.¹⁶⁷

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

By resolution 1740 (2007) of 23 January 2007, the Council welcomed the Secretary-General's proposal that his Special Representative would coordinate the United Nations effort in Nepal in support of the peace process, in close consultation with the relevant parties in Nepal and in close cooperation with other international actors.

Americas

The question concerning Haiti

By resolution 1576 (2004) of 29 November 2004, the Council commended the work of the Special Representative of the Secretary-General in support of the efforts of the Transitional Government of Haiti and all political actors in Haiti towards a comprehensive and inclusive national dialogue and reconciliation process, including the holding of fair and free elections in 2005 and the subsequent transfer of power to elected authorities.

Europe

The situation in Georgia

By three resolutions concerning the situation in Georgia, the Council commended and strongly supported the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the

¹⁶⁴ S/2006/591.

¹⁶⁵ S/PRST/2004/9.

¹⁶⁶ S/PRST/2007/37.

¹⁶⁷ S/PRST/2006/25.

Secretary-General, and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which had to include a settlement of the political status of Abkhazia within the State of Georgia.¹⁶⁸

By resolution 1752 (2007) of 13 April 2007, the Council extended the mandate of the United Nations Observer Mission in Georgia, and requested the Secretary-General to make use of the extended mandate to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect.

By resolution 1781 (2007) of 15 October 2007, the Council requested the Secretary General to make use of the mandate in order to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieving a lasting and comprehensive settlement, including the facilitation of a meeting at the highest level, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect.

Middle East

The situation in the Middle East

By two statements of the President dated 4 May 2005 and 3 January 2006, the Council commended the Secretary-General and his Special Envoy for their relentless efforts and dedication to facilitating and assisting the parties in the implementation of all provisions of resolution 1559 (2004), and requested that they continue their work in that regard.¹⁶⁹

By resolution 1701 (2006) of 11 August 2006, the Council requested the Secretary-General to develop, in liaison with relevant international actors and the parties concerned, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559

¹⁶⁸ Resolutions 1524 (2004), 1582 (2005) and 1615 (2005).

¹⁶⁹ S/PRST/2005/17 and S/PRST/2006/3.

(2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border was disputed or uncertain, and to present those proposals to the Council within 30 days.

The situation between Iraq and Kuwait

By resolution 1546 (2004) of 8 June 2004, the Council welcomed the efforts of the Special Adviser to the Secretary-General to assist the people of Iraq in achieving the formation of the Interim Government of Iraq, as set out in the letter dated 7 June 2004 from the Secretary-General addressed to the President of the Security Council.¹⁷⁰

By a statement of the President dated 24 March 2004, the Council welcomed and strongly supported the decision of the Secretary-General to dispatch to Iraq his Special Adviser, Mr. Lakhdar Brahimi, and his team, as well as an electoral assistance team, in order to lend assistance and advice to the Iraqi people in the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections held before the end of January 2005.¹⁷¹

D. Decisions involving regional arrangements or agencies

During the period under review, the Council not only called upon the parties to the conflict to cooperate with regional arrangements, but also, in accordance with Article 52 of the Charter, frequently expressed its support and appreciation for the peace efforts undertaken by regional arrangements or requested the Secretary-General to undertake such efforts in conjunction with regional arrangements. Decisions of the Council regarding the joint or parallel efforts undertaken by the Council and regional agencies or arrangements in the pacific settlement of disputes during the period under review are covered in detail in chapter XII.

¹⁷⁰ S/2004/461.

¹⁷¹ S/PRST/2004/6.

Part IV

Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter

Note

This part of the chapter highlights the important arguments raised in the deliberations of the Council with regard to the interpretation of specific provisions of the Charter concerning the role of the Council in the peaceful settlement of disputes. It includes in particular discussions regarding the competence of the Council to consider a dispute or situation and its power to make appropriate recommendations within the framework of Chapter VI of the Charter. It also includes the consideration by the Council of the appropriateness for Member States and non-Member States to bring any dispute or situation to the attention of the Security Council.

According to the relevant provisions of Chapter VI of the Charter, the Council shall, when it deems necessary, make recommendations in relation to disputes or situations which are likely to endanger international peace and security. Therefore, this part will focus on discussions concerning the existence of a dispute or situation within the meaning of Chapter VI. When making recommendations to the parties the Council is also required, pursuant to Article 36 of the Charter, to take into consideration procedures for settlement which have already been adopted by the parties (para. 2) and the general rule that legal disputes should be referred to the International Court of Justice (para. 3). Instances in which the requirements stipulated by Article 36 (2) and (3) became the subject of deliberations are, therefore, also considered below.

During the course of thematic debates held in the Council, several speakers suggested new ideas and new approaches to the role of the Security Council as defined under Chapter VI. The measures available under Chapter VI were often referred to as means that the Council could employ in resolving conflicts. In this regard, the role that the United Nations should play was underlined by many delegations. For instance, in connection with the item entitled "Complex crises and United Nations response", the President suggested that the Security Council should pay greater attention to resolving conflicts, and noted that Chapter VI of the Charter

contained a whole inventory of measures that the Council could employ in the pursuit of this objective.¹⁷²

Part IV is divided into six sections, focusing on discussions concerning the provisions of Chapter VI and the provision of Article 99 dealing with the role of the Secretary-General in bringing matters to the attention of the Security Council that might threaten international peace and security. Sections that include more than one item are organized by item of the agenda. Those items under which more than one provision of Chapter VI was dealt with at once are included under different subheadings. It is important to note that, in some cases, it is difficult to establish a clear-cut distinction between the constitutional developments relevant to Chapter VI and those relevant to Chapter VII. In several instances, Member States provided different interpretations of the provisions of Chapter VI or challenged the Security Council's interpretation of those provisions, or even its role in the pacific settlement of disputes.

Reference to peaceful means of settlement of disputes in the light of Article 33 (1) and (2)

Article 33 of the Charter stipulates the obligation of Member States to settle their disputes by peaceful means. Article 33 (1) gives primary responsibility in resolving a dispute to the parties concerned. Article 33 (2) gives the Security Council discretionary power to request the parties to settle their dispute by peaceful means, when it deems necessary. Article 33 was explicitly invoked by Council members, principally during debates on thematic issues relating to conflict prevention and the pacific settlement of disputes, as illustrated in the cases below. In one instance, an explicit reference to Article 33 was made by the President of the International Court of Justice, who noted that recourse to the Court was one of the methods of dispute settlement envisaged by the Charter in Article 33.¹⁷³ Three case studies relate to the

¹⁷² S/PV.4980, p. 29.

¹⁷³ S/PV.5474, p. 8.

question concerning Haiti; cooperation between the United Nations and regional organizations in stabilization processes; and a letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council in connection with the Democratic People's Republic of Korea; these cases exemplify how the Security Council called upon the parties to resolve their disputes by political and diplomatic efforts, through dialogue and negotiation.

The question concerning Haiti

At the 4917th meeting of the Council, on 26 February 2004, speakers unanimously expressed concern about the deteriorating situation in Haiti. They implicitly highlighted the significance of the provisions enshrined in Article 33, and how it could play an important role in settling the dispute in Haiti. Several speakers called upon the parties to the dispute to settle the crisis by peaceful means, through negotiation and dialogue, in the best interest of the Haitian people.¹⁷⁴

The representative of Haiti called on the opposition to contribute to restoring peace and security in order to find a negotiated political settlement.¹⁷⁵ The representative of Algeria noted that the crisis could be solved through negotiation and responsible dialogue among the parties and emphasized that the Security Council should continue to urge the parties to favour dialogue over confrontation.¹⁷⁶ The representative of the United Kingdom called on the parties to exercise restraint and urged the Government and the opposition to re-enter negotiations in the interests of the Haitian people.¹⁷⁷ While calling on the parties to settle the dispute by peaceful means, the representative of Chile emphasized that the efforts of the international community should be focused on finding a political solution to the crisis, and that its objective should be to support an agreement that would facilitate the restoration of peace, democracy and full respect for human rights in Haiti.¹⁷⁸ The representative of

Germany stated that political dialogue had to be conducted in a spirit of compromise on all sides and that it was the responsibility of all Haitian parties concerned to reject violent means as a tool for achieving political change.¹⁷⁹ The representative of the United States urged all democratic elements in Haiti to maintain active dialogue to reach a lasting political solution.¹⁸⁰ The representative of France emphasized that it was up to the Haitian political forces to make the concessions necessary to achieve a political agreement and joined the calls issued by the Security Council to the government authorities and the opposition to act responsibly by choosing negotiation instead of confrontation.¹⁸¹ The representative of Romania urged all Haitian parties to show the necessary spirit of compromise and urged the armed rebels to stop the violence and make a political settlement possible.¹⁸² The representative of Benin urged the parties to commit themselves to the path of dialogue and negotiation and noted that the quest for peace and the resumption of dialogue had to be carried out in the context of the existing constitutional order.¹⁸³ The representative of Brazil called on the opposition sector to reconsider its position, show willingness to engage in an effective and constructive dialogue and renounce all violent acts designed to put forward its political agenda. He called on all parties to render possible assistance to efforts towards peace in Haiti.¹⁸⁴ The representative of China urged all sides to resolve the crisis by peaceful means, through dialogue, in the best interests of their people and their nation and called on all sides to redouble their efforts to prevent further bloodshed and conflict.¹⁸⁵ The representative of Ireland, speaking on behalf of the European Union, emphasized that the crisis in Haiti had to be resolved peacefully, through constitutional means and a process of political dialogue and compromise. He called on the parties to refrain from any action which would further imperil the welfare of the Haitian people.¹⁸⁶ The representative of Argentina called on the parties to show restraint and underlined that the solution had to involve dialogue between the Government and the

¹⁷⁴ S/PV.4917, p. 6 (Haiti); p. 9 (Algeria); p. 10 (United Kingdom, Chile); p. 13 (Benin, Germany); p. 15 (United States of America, France); p. 16 (Romania); p. 17 (Brazil); p. 18 (China); p. 19 (Ireland); p. 23 (Argentina); and p. 28 (Japan).

¹⁷⁵ Ibid., p. 6.

¹⁷⁶ Ibid., p. 9.

¹⁷⁷ Ibid., p. 10.

¹⁷⁸ Ibid., p. 10.

¹⁷⁹ Ibid., p. 13.

¹⁸⁰ Ibid., p. 15.

¹⁸¹ Ibid., p. 15.

¹⁸² Ibid., p. 16.

¹⁸³ Ibid., p. 13.

¹⁸⁴ Ibid., p. 17.

¹⁸⁵ Ibid., p. 18.

¹⁸⁶ Ibid., p. 19.

opposition.¹⁸⁷ The representative of Peru emphasized that the most rational formula for resolving the crisis in Haiti was to achieve political peace and stability while strictly respecting Haiti's constitution.¹⁸⁸ The representative of Japan argued that a peaceful political solution, achieved through dialogue between the parties, was the best possible strategy.¹⁸⁹

At the end of the deliberations, the President made a statement commending the Organization of American States and the Caribbean Community for their lead role in promoting a peaceful solution and for trying to re-establish confidence among the parties, in particular through their Plan of Action, and called upon the parties to act responsibly by choosing negotiation instead of confrontation.¹⁹⁰

Cooperation between the United Nations and regional organizations in stabilization processes

At the 5007th meeting, on 20 July 2004, the Permanent Observer of the Organization of the Islamic Conference (OIC) underlined the continuing cooperation between the United Nations and OIC in peacemaking, preventive diplomacy and peacekeeping. He stated that in the spheres of conflict resolution and peacebuilding, the Charter of OIC complemented the Charter of the United Nations, and called for the settlement of disputes that might arise among Member States by peaceful means such as negotiation, mediation, conciliation and arbitration.¹⁹¹ Similarly, the representative of the African Union stated that the development of regional strategies that involved regional actors in the resolution of conflicts had been the primary approach of countries in the region. He further stated that the Constitutive Act of the African Union upheld Article 33 of the Charter of the United Nations, which he noted enjoined the pacific settlement of disputes through negotiation, enquiry, mediation, conciliation, arbitration and resort to regional agencies or arrangements.¹⁹²

Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

At its 5490th meeting, on 15 July 2006, the Council unanimously adopted resolution 1695 (2006) in response to the launching of ballistic missiles by the Democratic People's Republic of Korea. The Council demanded that the Democratic People's Republic of Korea suspend all activities related to its ballistic missile programme, called upon it to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts. The Council urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition, to work towards the expeditious implementation of the Joint Statement of 19 September 2005, in particular to abandon all nuclear weapons and existing nuclear programmes, and to return at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards.

After the adoption of the resolution, a number of speakers emphasized that the launching of missiles constituted a serious threat to international peace and security.¹⁹³ The representative of Japan welcomed the unanimous adoption of the resolution, praised the swift and robust Council response and stressed that the launches had been more than a direct threat to Japan.¹⁹⁴ The representative of the United States noted that extensive diplomatic efforts had been undertaken, particularly in Pyongyang itself, but that those efforts had been exhausted, owing to the "continued intransigence and defiance of the North Korean leadership".¹⁹⁵ The representative of France stated that the action by the Security Council was an appropriate response to a serious situation and that the development and testing of ballistic missiles seriously endangered security in North-East Asia and beyond.¹⁹⁶ The representative of China stated that China had always been committed to maintaining peace and stability on the Korean peninsula and had insisted on

¹⁸⁷ Ibid., p. 23.

¹⁸⁸ Ibid., p. 24.

¹⁸⁹ Ibid., p. 28.

¹⁹⁰ S/PRST/2004/4.

¹⁹¹ S/PV.5007, p. 2.

¹⁹² S/PV.5007 (Resumption 1), p. 12.

¹⁹³ S/PV.5490, pp. 2-3 (Japan); p. 4 (United States); and p. 7 (France).

¹⁹⁴ Ibid., pp. 2-3.

¹⁹⁵ Ibid., p. 4.

¹⁹⁶ Ibid., p. 7.

resolving the relevant issues through peaceful dialogue and negotiations.¹⁹⁷

The representative of the Democratic People's Republic of Korea stated that it was "unjustifiable and gangster-like" for the Security Council to debate the missile launch, both in view of the competence of the Council and under international law. He emphasized that his delegation resolutely condemned the attempt by some countries to misuse the Security Council for the "despicable political aim of isolating and pressuring" his country. He rejected the resolution adopted at the meeting, but stated that his Government remained unchanged in its will to denuclearize the Korean peninsula in a negotiated, peaceful manner. He underlined that the Korean People's Army would go on with missile launch exercises and would take stronger physical actions if other countries dared to take issue with the exercises and put pressure upon it.¹⁹⁸

Recourse to investigation by the Security Council in the light of Article 34

Article 34 of the Charter stipulates that the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. In the instances described below, Article 34 was implicitly and/or explicitly invoked, mainly in connection with the role of the United Nations in post-conflict national reconciliation, United Nations response to complex crises, and protection of civilians in armed conflict.

Post-conflict national reconciliation: role of the United Nations

At its 4903rd meeting, on 26 January 2004, the Council considered post-conflict national reconciliation and the role of the United Nations. During the debate, the representative of Pakistan noted that the precise response of the Security Council and of the United Nations would naturally depend on the specific nature and content of a given situation. Such responses could include the dispatch of a special envoy to mediate, a fact-finding mission, utilizing the specific mechanisms

of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights, the appointment of a special representative of the Secretary-General, and/or dispatching a peace observer mission.¹⁹⁹

Complex crises and United Nations response

At its 4980th meeting, on 28 May 2004, the Council met to discuss ways to prevent and effectively respond to complex crises. The representative of China suggested that the special envoys of the Secretary-General could join the envoys of regional organizations in their good offices and mediation efforts and that the United Nations should increase assistance to regional organizations to help them enhance their overall capacity in early warning, peacekeeping and other endeavours.²⁰⁰ The representative of Romania stated that the Security Council should make greater use of Chapter VI procedures to promote conflict prevention. He said that mechanisms such as commissions, fact-finding missions and direct dialogue with the parties to a dispute could offer opportunities to identify and address the root causes of complex crises in the early stages of their development.²⁰¹

The President noted that there were several means at the Council's disposal, ranging from the Secretary-General's good offices and the initiatives that could be taken by the General Assembly to the mechanisms prescribed in Article 34 of the Charter. He argued that these means could be usefully employed to address situations whose continuance could endanger the maintenance of international peace and security. He said that the Council's missions to regions of crisis had become an important tool for gaining a better understanding of realities on the ground and for finding ways of containing conflict and promoting peace processes. He noted that Chapter VI of the Charter contained a whole inventory of measures that the Council could employ and that there had to be a clear recognition that durable peace could be established only when the underlying causes of conflict were effectively addressed.²⁰²

¹⁹⁹ S/PV.4903, p. 20.

²⁰⁰ S/PV.4980, p. 9.

²⁰¹ Ibid., p. 28.

²⁰² Ibid., p. 29.

¹⁹⁷ Ibid., p. 5.

¹⁹⁸ Ibid., pp. 8-9.

Protection of civilians in armed conflict

At its 4990th meeting, on 14 June 2004, the Council met to consider the protection of civilians in armed conflict. The representative of Pakistan, while underlining that conflict prevention remained the single most important dimension of protection, noted that there were several means at the disposal of the Council, *inter alia*, the mechanisms prescribed in Article 34 of the Charter and that these could be usefully employed to address situations whose continuance could endanger the security of civilians.²⁰³ The representative of the United Kingdom said that regional organizations had a particularly important role to play in time-critical settings, as demonstrated by the deployment of the Economic Community of West African States Mission in Liberia in August 2003, and that the Council should continue its work of supporting regional organizations.²⁰⁴ The representative of Switzerland emphasized the need to fight impunity at both the national and international levels and invited the Security Council to make greater use of the tools of observation and fact-finding missions in order to prevent crisis situations.²⁰⁵ The representative of Canada urged the Council to take more resolute actions, and recognized that not all actions could or should be public, but that other measures such as discreet Council fact-finding missions and communications between the Council President and the parties to a conflict could be considered.²⁰⁶

At its 5319th meeting, on 9 December 2005, the Council again considered the protection of civilians in armed conflict. The representative of Qatar, while noting that impunity from law at the national and international levels had to end, called on the Council to use monitoring mechanisms and fact-finding missions.²⁰⁷ The representative of Pakistan suggested that, whenever a conflict broke out, the United Nations should apply a standard operating procedure of dispatching a fact-finding mission, including for the purpose of observing and reporting on the treatment of civilians.²⁰⁸

²⁰³ S/PV.4990, p. 14.

²⁰⁴ *Ibid.*, p. 18.

²⁰⁵ S/PV.4990 (Resumption 1), p. 3.

²⁰⁶ *Ibid.*, p. 15.

²⁰⁷ S/PV.5319 (Resumption 1), p. 12.

²⁰⁸ *Ibid.*, p. 15.

**Referral of disputes to the
Security Council in the light of
Article 35**

Article 35 (1) and (2) grants Member States and non-Member States the right to bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council. The Council did not include in its agenda “the issue of the bombardment of the territory of Georgia”, even though a Member State in accordance with Article 35 (1) brought the situation to the attention of the Council.²⁰⁹ In the case described below, the parties discussed whether the item entitled “The situation in Myanmar” should be included in the agenda of the Security Council.

At the 5526th meeting, on 15 September 2006, the representative of China underlined that, according to the Charter, only those questions that constitute threats to international peace and security that warrant discussion by the Security Council. He stated that neither the direct neighbours of Myanmar nor the overwhelming majority of Asian countries recognized the situation in Myanmar as a threat to regional peace and security. He said that to force the Security Council into intervening was not only inappropriate but would also further complicate the situation and have a negative impact on future interaction between Myanmar and the United Nations. He emphasized that so long as the situation in Myanmar did not pose a threat to international or regional peace and security, China would be unequivocally against including the question of Myanmar in the agenda of the Security Council.²¹⁰ The representative of Qatar noted that his Government feared that, by including the question in the agenda of the Council, the diplomatic channels opened by Myanmar with the competent international human rights institutions and with the Secretary-General would be closed. He emphasized that including the matter in the agenda of the Council was inappropriate and Qatar objected to the proposed inclusion.²¹¹

²⁰⁹ By a letter dated 8 August 2007 addressed to the President of the Security Council (S/2007/480), the representative of Georgia requested the Council to convene a meeting to address “the issue of the bombardment of the territory of Georgia”, asserting that the situation threatened the peace and security of Georgia.

²¹⁰ S/PV.5526, pp. 2-3.

²¹¹ *Ibid.*, p. 3.

On the other hand, the representative of the United States referred to the letter dated 15 September 2006 addressed to the President of the Security Council,²¹² in which his delegation expressed concern about the deteriorating situation in Myanmar. He opined that the situation was likely to endanger the maintenance of international peace and security and requested that the situation in Myanmar be placed on the Council's agenda. He further argued that matters of a similar kind had been considered threats to international peace and security since the adoption of resolution 688 (1991) dealing with refugee flows from Iraq.²¹³

At the end of the deliberations, the provisional agenda ("The situation in Myanmar") was put to the vote, and adopted by 10 votes to 4 (China, Congo, Qatar, Russian Federation), with 1 abstention (United Republic of Tanzania).

Referral of legal disputes in the light of Article 36 (3)

Article 36 (3) of the Charter stipulates that the Security Council, in making recommendations under Article 36, should take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

In the case described below, the Member States debated the question whether the Security Council could make more frequent recourse to the provisions of the Statute of the Court.

Strengthening international law: rule of law and maintenance of international peace and security

At the 5474th meeting, on 22 June 2006, speakers unanimously expressed their commitment to the rule of law and the principles of the Charter, as well as their support of the International Court of Justice, and stressed that reintroducing and promoting the rule of law was the only way to rebuild societies shattered by conflict. While identifying certain issues that his delegation believed to merit particular attention, the President (Denmark) underlined that the peaceful settlement of disputes through, inter alia, resort to the International Court of Justice, was at the heart of the

Charter of the United Nations.²¹⁴ The Legal Counsel of the United Nations emphasized the fundamental principle requiring States to settle their international differences through peaceful means and the specific role entrusted by the Charter to the International Court of Justice. He further stated that the judgments of the Court had made a valuable contribution to the cause of peace.²¹⁵

The President of the International Court of Justice stated that the role of the Court was at the heart of the general system for the maintenance of international peace and security through its specific contribution to the peaceful settlement of disputes. Citing the provision enshrined under Article 36 (3), he said that the Security Council had failed to make use of this provision for many years, and emphasized that that tool needed to be brought to life and made a central policy of the Council.²¹⁶

The representative of the United Kingdom underlined that the peaceful settlement of disputes was at the heart of the Charter. While expressing support for the International Court of Justice, she underlined that it was the principal United Nations organ charged with settling disputes between States and had an absolutely central role in maintaining international peace and security.²¹⁷ The representative of Greece suggested that the Security Council should do more to promote the pacific settlement of disputes and underlined that full implementation of the judgments and advisory opinions of the International Court of Justice would further enhance its role in promoting legality and the primacy of international law in international relations. She further stated that she supported the abovementioned view of the President of the Court regarding greater use of Article 36 (3).²¹⁸ The representative of Mexico emphasized that legal disputes should be referred to the International Court of Justice and that, generally speaking, all disputes between States stemmed from differences concerning the interpretation of some rule of international law.²¹⁹

²¹⁴ S/PV.5474, p. 3.

²¹⁵ Ibid., p. 4.

²¹⁶ Ibid., p. 8.

²¹⁷ Ibid., p. 9.

²¹⁸ Ibid., p. 23.

²¹⁹ Ibid., p. 29.

²¹² S/2006/742.

²¹³ S/PV.5526, pp. 3-4.

Referrals by the Secretary-General in the light of Article 99

Article 99 of the Charter empowers the Secretary-General to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. In the deliberations of the Council described below, Member States encouraged the Secretary-General to fully and effectively exercise his power as stipulated in Article 99, and Article 99 was also raised during a discussion of whether the Council had the mandate to deliberate on matters concerning security aspects of climate change. In a number of instances, Article 99 was explicitly invoked by a Member State in communications addressed to the President of the Security Council. For example, in connection with the item entitled “Complex crises and United Nations response”, the representative of Pakistan, by a letter dated 8 September 2004 addressed to the President of the Security Council, transmitted a summary of the important ideas and suggestions presented during the Council’s debate on complex crises and United Nations response, in which it was noted that the role of the Secretary-General pursuant to Article 99 was critical, and that more frequent use should be made of the provisions of resolutions 1296 (2000) and 1366 (2001), by which the Secretary-General was encouraged to convey to the Security Council his assessment of potential threats to international peace and security in accordance with Article 99 of the Charter.²²⁰

Complex crises and United Nations response

At its 4980th meeting, on 28 May 2004, the Council considered the item entitled “Complex crisis and United Nations response”. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator held that greater use should be made both of resolution 1296 (2000), by which the Council requested the Secretary-General to bring to its attention situations of grave concern in respect of the protection of civilians in armed conflict, and of resolution 1366 (2001), by which the Council encouraged the Secretary-General to convey to it his assessment of potential threats to international peace and security. He added, however, that there was no

²²⁰ S/2004/723.

point to early warnings if resources were lacking to do something in response.²²¹

In the debate, a few speakers explicitly invoked Article 99 and argued that it should be used as an early warning mechanism.²²² The representative of Spain noted that, while there were many early warning systems within the United Nations, the time had come to give serious consideration to how they could be coordinated so that the information at their disposal could contribute effectively and immediately to the decision-making process. He emphasized how critical the role of the Secretary-General was pursuant to Article 99 in that connection. He said that the Secretary-General’s initiative to appoint a special adviser on the prevention of genocide was promising, in that it would ensure that the relevant information would reach the highest decision-making bodies early enough.²²³

The representative of Benin noted that the Council had a wide range of instruments at its disposal to bring critical situations under control and steer them towards a more positive outcome and that, more than in the past, the obligation to act flowed from the Council’s responsibility to protect and its exclusive right to authorize the legal use of force for that purpose. He considered that to be the reason the Council was more often questioned on its slowness to respond. He emphasized that from that perspective it was particularly important for the Secretary-General to fully and effectively exercise his power to draw the attention of the Security Council to any matter that in his opinion could threaten the maintenance of the international peace and security, as set out in Article 99.²²⁴

The representative of Chile, noting the provisions of Article 99, said that, with the tools available to the Secretary-General and the system, it would appear that the Security Council was called upon only when a crisis was imminent and that little preventive action could therefore be taken in advance. He said that, in “An Agenda for Peace” issued in 1992, the then-Secretary-General, Boutros Boutros-Ghali, rightly noted that the tools which could be made available to the Secretariat would allow the elaboration of an appropriate preventive policy; the former Secretary-

²²¹ S/PV.4980, p. 4.

²²² Ibid., p. 7 (Spain); p. 13 (Benin); p. 18 (Chile); and p. 24 (United Kingdom).

²²³ Ibid., p. 7.

²²⁴ Ibid., p. 13.

General Dag Hammarskjöld had also resorted to Article 99 to initiate peacekeeping operations. He suggested that it might be interesting for the Security Council and its subsidiary bodies to look into how the Secretary-General might be given better tools for pursuing preventive policies and thereby achieve the objective of involving the Council in situations that might evolve into conflict.²²⁵

The representative of the United Kingdom encouraged the Secretary-General to make greater use of his authority under Article 99 to bring to the attention of the Council any matter which in his or her opinion might threaten the maintenance of international peace and security.²²⁶

Letter dated 5 April 2007 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

At its 5663rd meeting, on 17 April 2007, the Council held an open debate in which it discussed the relationship between energy, security and climate. It was the first time the Council held a thematic debate that addressed the security aspects of climate change. The representative of the Netherlands, noting that the timely addressing of climate change and identifying its potential security risks could help to prevent conflicts, urged the Secretary-General to alert the Security Council of climate-related crisis situations which might endanger peace and security.²²⁷ The representative of Qatar noted that the responsibility of the Secretary-General to bring the matter to the attention of the Council under Article 99 of the Charter limited that prerogative to matters which in the opinion of the Secretary-General might threaten the maintenance of international peace and security. He further argued that the Security Council, because of “imbalances in its power hierarchy”, was not the optimal mechanism to address the question of climate change.²²⁸

²²⁵ Ibid., p. 18.

²²⁶ Ibid., p. 24.

²²⁷ S/PV.5663, p. 21.

²²⁸ Ibid., p. 10.

Relevance of the provisions of Chapter VI to the prevention of conflicts

The role of civil society in conflict prevention and the pacific settlement of disputes

At its 5264th meeting, on 20 September 2005, the Council considered the item entitled “The role of civil society in conflict prevention and the pacific settlement of disputes”. Several speakers emphasized that the essential responsibility for conflict prevention rested with national Governments, but agreed on the important role of civil society in support of conflict prevention and the pacific settlement of disputes, in line with Chapter VI of the Charter.²²⁹ The representative of Romania noted that, given the potential represented by the knowledge and intuitive understanding of civil society actors, emphasis should be placed on promoting an improved and upgraded cooperation between the United Nations system and civil society organizations.²³⁰ The representative of Peru stated that civil society could support preventive diplomacy and mediation, including through the peaceful settlement of conflicts. He said that, through the action of local and international non-governmental organizations, civil society had an active role to play in helping to mobilize the international community’s resources.²³¹ The representative of Benin argued that civil society had real potential in shaping the public sphere and in acting as a social intermediary, and thus in the peaceful settlement of disputes and the prevention of violent conflicts.²³² The representative of the Russian Federation noted that the comprehensive nature of threats to international peace and security required that the Security Council develop a comprehensive strategy for conflict prevention and for the peaceful settlement of disputes. He said that in such a strategy a useful role could be played by civil society, together with the efforts of States and organizations.²³³

The President called on the Security Council to nurture and encourage a meaningful role for civil society in preventing disputes and in the peaceful settlement of disputes.²³⁴ At the end of deliberations

²²⁹ S/PV.5264, p. 9 (Romania); p. 14 (Peru); p. 18 (Benin); and p. 21 (Russian Federation).

²³⁰ Ibid., p. 9.

²³¹ Ibid., p. 14.

²³² Ibid., p. 18.

²³³ Ibid., p. 21.

²³⁴ Ibid., p. 27.

the President made a statement on behalf of the Council, in which it underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes in line with Chapter VI of the Charter.²³⁵

Post-conflict peacebuilding

At the 5627th meeting, on 31 January 2007, the Assistant Secretary-General in the Peacebuilding Support Office said that three new pillars — the Peacebuilding Commission, the Peacebuilding Support Office and the Peacebuilding Fund — offered a new opportunity to address the critical and fragile period in the life of a country ravaged by conflict.²³⁶

Noting a strong correlation between low levels of development and violent conflict, the President of the Economic and Social Council expressed the readiness of that Council to contribute to the best of its ability to developing the strategic goals and defining a viable peacebuilding strategy for the Peacebuilding Commission, thereby ensuring its lasting added value.²³⁷

The representative of Japan said that the Peacebuilding Commission had been established as an intergovernmental advisory body to address issues which encompassed the mandates of the principal organs, including the Security Council, the General Assembly and the Economic and Social Council. In his view, this meant that there must be ways of ensuring meaningful interface and interaction between the Commission on the one hand and those relevant principal organs and bodies on the other, if its work were to be useful and effective.²³⁸ The representative of Guatemala indicated that it was important for the Commission to collaborate proactively with the Economic and Social Council, bearing in mind the experience gained in the ad hoc advisory groups on African countries, but at the same time stressed that the role of the Social and Economic Council in its own area must not be forgotten.²³⁹

At the 5761st meeting, on 17 October 2007, the Chairman of the Peacebuilding Commission, introducing the report of the Commission, said that the Commission had significantly contributed to the promotion of integrated post-conflict peacebuilding

strategies in Burundi and Sierra Leone. He noted that it had also sought to accumulate best practices and lessons learned from some critical peacebuilding issues. He further noted that the Commission had faced challenges during its initial phase of establishment and that the United Nations peacebuilding architecture was now fully in place. As the Commission was entering its second year of activity, the Chairman said that it should begin addressing the points to be considered for adding new countries to its agenda. He underlined the need to strengthen the Commission's relationship with relevant actors, in particular the principal organs of the United Nations.²⁴⁰

The Assistant Secretary-General in the Peacebuilding Support Office underlined that the Peacebuilding Commission had an important and strategic role to play in bringing all actors together, including the Council, the General Assembly and the Economic and Social Council, to address the critical and fragile period in the life of a country ravaged by conflict.²⁴¹ The representative of Peru expressed the hope that there would be flexible and effective interaction between the Peacebuilding Commission, the Council, the General Assembly and the Economic and Social Council.²⁴²

*Maintenance of international peace and security:
role of the Security Council in conflict prevention
and resolution, in particular in Africa*

At the 5735th meeting, on 28 August 2007, speakers were unanimous in reaffirming the importance of preventing conflict in a comprehensive manner and renewing their commitment to enhancing the Council's role in preventing and resolving conflict in all its forms.

Opening the debate, the Secretary-General stressed that more resources should be devoted to conflict prevention and underlined that it was also important to increase mediation capacity. He said that in the coming months he would present proposals for strengthening the capabilities of the Department of Political Affairs of the Secretariat, with the goal of making more effective use of his good offices, as he believed in engagement and dialogue, not

²³⁵ S/PRST/2005/42.

²³⁶ S/PV.5627, p. 5.

²³⁷ Ibid., p. 4.

²³⁸ S/PV.5627 (Resumption 1), p. 4.

²³⁹ Ibid., pp. 11-12.

²⁴⁰ S/PV.5761, p. 3.

²⁴¹ Ibid., p. 5.

²⁴² Ibid., p. 14.

confrontation. He added that it was better to respond proactively, before a crisis fully developed.²⁴³

The representative of Panama called on the Council and the General Assembly to redouble efforts to facilitate the success of the measures provided for under Chapter VI of the Charter for the peaceful settlement of disputes, given the human consequences inherent in any conflict.²⁴⁴ The representative of the Sudan hoped that the discussion would follow an operational and objective approach that would contribute to strengthening the role of the Security Council in preventing conflicts, in keeping with the goal of eliminating the root causes of such conflicts through peaceful settlement, in order to achieve lasting peace and security.²⁴⁵

The representative of Norway expressed support for the role that regional organizations, particularly the

African Union, played in the prevention and resolution of conflicts. He was encouraged by the fact that African countries themselves were taking a leading role in the settlement of African disputes by peaceful means and in the promotion of preventive action in response to threats to regional peace and security. He said that, to strengthen those important regional efforts, close cooperation between the United Nations and other partners was needed.²⁴⁶ The representative of Guatemala said that conflict prevention was best reflected in Chapter VI, particularly through the peaceful means contained in Article 33.²⁴⁷ The representative of Benin argued that conflict prevention was an essential aspect of the Security Council's mandate emanating from Chapter VI of the Charter, specifically, Article 34.²⁴⁸

²⁴³ S/PV.5735, pp. 2-4.

²⁴⁴ *Ibid.*, p. 6.

²⁴⁵ *Ibid.*, p. 27.

²⁴⁶ *Ibid.*, p. 28.

²⁴⁷ S/PV.5735 (Resumption 1), p. 3.

²⁴⁸ *Ibid.*, p. 13.

Chapter XI

Consideration of the provisions of Chapter VII of the Charter

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Introductory note

This chapter deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter.

The period under review was marked by considerably expanded Council action in response to threats to or breaches of the peace, and Chapter VII of the Charter was invoked in a large number of decisions of the Council. Having determined the existence of a threat to the peace, the Council adopted one resolution explicitly acting under Article 40 of the Charter, in connection with the issue of non-proliferation, and imposed or modified sanctions regimes, of the type provided for in Article 41, against members of the Al-Qaida organization and the Taliban and associated individuals and entities, Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Islamic Republic of Iran, Liberia, Sierra Leone and the Sudan. The Council adopted a number of judicial measures which included the establishment of a Special Tribunal for Lebanon, the referral of the situation in Darfur to the International Criminal Court, and the endorsement of the intention of the President of the Special Court for Sierra Leone to authorize a Trial Chamber in the Netherlands for the trial of the former President of Liberia, Charles Taylor. The Council also adopted several resolutions authorizing United Nations peacekeeping missions, as well as multinational forces, to take enforcement actions. The mandates of such missions became increasingly more multidimensional and complex and included a large array of tasks ranging from the protection of civilians under immediate threat of physical violence to a number of post-conflict activities such as disarmament and demobilization, support to security sector reform, and assistance to national reconciliation efforts and electoral processes. With respect to the United Nations peacekeeping missions, the Council authorized enforcement action for the newly established missions in Burundi, Côte d'Ivoire, Haiti and the Sudan. Regarding multinational forces, the Council authorized the use of "all necessary measures" within the framework of Chapter VII of the Charter for operations newly established by the European Union in Bosnia and Herzegovina, Chad and the Central African Republic and the Democratic Republic of the Congo; the African Union in Somalia; and Member States participating in the Multinational Interim Force in Haiti. During the period under consideration, the Council authorized for the first time an enforcement action by the joint African Union-United Nations Hybrid Operation in Darfur (UNAMID).

This chapter focuses on material selected to highlight how the provisions of Chapter VII of the Charter were interpreted by the Council in its deliberations and applied in its decisions. Given the scope and complexity of the Council's practice under Chapter VII during the period under review, and in order to give due focus to the key relevant elements that arose in its decisions or deliberations, individual Articles of the Charter have been dealt with in separate parts of the chapter. Parts I to IV focus respectively on the practice of the Council in accordance with Articles 39 to 42, part V focuses on Articles 43 to 47. Parts VI and VII address, respectively, the obligations of Member States under Articles 48 and 49, and parts VIII and IX deal, respectively, with the practice of the Council with respect to Articles 50 and 51. Further, each part contains a section that focuses on the decisions of the Council, as well as a section that highlights relevant excerpts from the Council's deliberations, illustrating the Council's practice with respect to the Article(s) considered.

Part I

Determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Note

During the period under review, the Council did not explicitly invoke Article 39 in any of its decisions nor did it determine the existence of any breach of the peace or act of aggression. The Council did adopt several resolutions determining, or expressing concern at, the existence of threats to the peace. In a number of instances, in connection with the situations in Haiti, the Middle East, the Sudan, and the situation in Chad, the Central African Republic and the subregion, the Council determined the existence of new threats to regional and/or international peace and security. The Council also determined that the situations in Afghanistan, Bosnia and Herzegovina and Iraq continued to constitute threats to international peace and security. In a number of other instances, in connection with the situations in Burundi, Côte d'Ivoire, the Democratic Republic of the Congo, Liberia, Sierra Leone and Somalia, and the cross-border issues in Africa, the Council determined that such situations continued to pose a threat to international peace and security in the region. In all those instances, following the determination of the existence of a threat to the peace, the Council took measures in accordance with Articles 40, 41 and 42 of the Charter in order to maintain or restore international peace and security.

The range of situations which the Council determined as giving rise to threats to the peace

included inter-State conflicts,¹ intra-State conflicts,² internal conflicts with a regional or subregional dimension,³ terrorist acts⁴ and the proliferation of weapons of mass destruction.⁵ In one instance, by resolution 1688 (2006) of 16 June 2006, noting that former President Taylor had been brought before the Special Court for Sierra Leone in Freetown, the Council determined that the continued presence of the former President in the subregion constituted an impediment to stability and a threat to the peace of Liberia and of Sierra Leone and to international peace and security in the region.

During the period under review, the Council also identified certain generic threats to peace and security, such as the proliferation of weapons of mass destruction and the proliferation and illicit trafficking of small arms and light weapons. By resolution 1674 (2006) of 28 April 2006, the Council reiterated that the deliberate targeting of civilians and the commission of

¹ For example, by resolution 1640 (2005) of 23 November 2005, the Council noted with deep concern the high concentration of troops on both sides of the Temporary Security Zone between Eritrea and Ethiopia, and stressed that the continuation of the situation would constitute a threat to international peace and security.

² For example, by resolution 1769 (2007) of 31 July 2007, the Council reiterated its deep concern for the security of humanitarian aid workers and their access to populations in need, reaffirmed its concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, and determined that the situation in Darfur, the Sudan, continued to constitute a threat to international peace and security.

³ For example, by resolution 1778 (2007) of 25 September 2007, the Council expressed the gravest concern that the situation in the region of the border between the Sudan, Chad and the Central African Republic constituted a threat to international peace and security.

⁴ For example, by resolution 1636 (2005) of 31 October 2005, the Council determined that the terrorist act that killed the former Prime Minister of Lebanon, Rafiq Hariri, as well as the act's implications, constituted a threat to international peace and security.

⁵ For example, by resolution 1718 (2006) of 14 October 2006, the Council determined that the test of a nuclear weapon supposedly carried out by the Democratic People's Republic of Korea constituted a clear threat to international peace and security.

systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict might constitute a threat to international peace and security.

Several issues regarding the interpretation of Article 39 and the determination of threats to peace and security arose during the Council's debates, mainly focusing on the threats represented by the situations in the Democratic People's Republic of Korea, the Middle East, Myanmar and the Sudan. There was also substantial discussion about understandings of non-traditional threats to the peace.

Section A outlines the decisions of the Council in which determinations were made regarding the existence of a threat to the peace. Section B reflects the arguments advanced during the Council's deliberations in connection with the adoption of some of those decisions.

A. Decisions relating to Article 39

The situation in Afghanistan

By resolution 1563 (2004) of 17 September 2004, recognizing the constraints upon the full implementation of the Bonn Agreement, the Council determined that the situation in Afghanistan continued to constitute a threat to international peace and security.⁶ The Council reaffirmed its determination by a number of subsequent resolutions.⁷

The situation in Bosnia and Herzegovina

By resolution 1551 (2004) of 9 July 2004, reaffirming its commitment to the political settlement of conflicts in the former Yugoslavia, the Council determined that the situation in the region continued to constitute a threat to international peace and security.⁸ By a number of subsequent resolutions, the Council reaffirmed its determination.⁹

⁶ Resolution 1563 (2004), seventh and tenth preambular paragraphs.

⁷ Resolutions 1623 (2005), 1707 (2006) and 1776 (2007).

⁸ Resolution 1551 (2004), second and ninth preambular paragraphs.

⁹ Resolutions 1575 (2004), 1639 (2005), 1722 (2006) and 1785 (2007).

The situation in Burundi

By resolution 1545 (2004) of 21 May 2004, noting that obstacles remained to Burundi's stability, the Council determined that the situation in the country continued to constitute a threat to international peace and security in the region.¹⁰ That determination was reiterated by the Council by a series of subsequent resolutions.¹¹

By resolution 1650 (2005) of 21 December 2005, the Council noted that, although there had been an improvement in the security situation since the completion of the transitional period, Burundi and the Great Lakes region of Africa still experienced "factors of instability", which continued to constitute a threat to international peace and security in the region.¹² The Council reiterated that determination by two subsequent resolutions.¹³

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, the Council expressed its deep concern at the activities of armed groups and other attacks in eastern Chad, the north-eastern Central African Republic and western Sudan which threatened the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which resulted in serious violations of human rights and international humanitarian law and, therefore determined that the situation in the region of the border between the Sudan, Chad and the Central African Republic constituted a threat to international peace and security.¹⁴

¹⁰ Resolution 1545 (2004), penultimate preambular paragraph.

¹¹ Resolutions 1577 (2004), 1602 (2005) and 1641 (2005).

¹² Resolution 1650 (2005), penultimate preambular paragraph.

¹³ Resolutions 1669 (2006) and 1692 (2006).

¹⁴ Resolution 1778 (2007), third and seventeenth preambular paragraphs.

The situation in Côte d'Ivoire

By resolution 1527 (2004) of 4 February 2004, noting with concern the continued challenges to the stability of Côte d'Ivoire, the Council determined that the situation in the country continued to constitute a threat to international peace and security in the region.¹⁵ The Council reaffirmed its determination by a number of subsequent resolutions.¹⁶

Items relating to the Democratic People's Republic of Korea¹⁷

By resolution 1695 (2006) of 15 July 2006, the Council, reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security, the Council expressed grave concern at the launch of ballistic missiles by the Democratic People's Republic of Korea, given the potential of such systems to be used as means to deliver nuclear, chemical, or biological payloads.¹⁸ The Council further affirmed that such launches jeopardized peace, stability and security in the region and beyond, particularly in the light of the Democratic People's Republic of Korea's claim that it had developed nuclear weapons.¹⁹

By a statement of the President dated 6 October 2006, the Council expressed its deep concern over the statement made by the Democratic People's Republic of Korea that it would conduct a nuclear test in the future. The Council also deemed that, should the Democratic People's Republic of Korea carry out its threat of a nuclear weapon test, it would jeopardize peace, stability and security in the region and beyond. The Council stressed that a nuclear test, if carried out by the Democratic People's Republic of Korea, would

represent a clear threat to international peace and security and that, should the Democratic People's Republic of Korea ignore the calls of the international community, the Council would act in a manner consistent with its responsibility under the Charter.²⁰

By resolution 1718 (2006) of 14 October 2006, the Council expressed the gravest concern at the claim made by the Democratic People's Republic of Korea that it had conducted a test of a nuclear weapon on 9 October 2006, and at the danger the test posed to peace and stability in the region and beyond; expressed profound concern that the test had generated increased tension in the region and beyond, and determined that there was a clear threat to international peace and security.²¹ The Council, therefore, condemned the nuclear test claimed by the Democratic People's Republic of Korea, finding it in flagrant disregard of the Council's relevant resolutions, and stressed that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security.²²

The situation concerning the Democratic Republic of the Congo

By resolution 1533 (2004) of 12 March 2004, the Council reiterated its concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, which perpetuated a climate of insecurity in the whole region, and noted that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in the region.²³ By a number of subsequent resolutions, the Council reiterated such a determination.²⁴

¹⁵ Resolution 1527 (2004), ninth preambular paragraph.

¹⁶ Resolutions 1528 (2004), 1572 (2004), 1584 (2005), 1594 (2005), 1600 (2005), 1603 (2005), 1609 (2005), 1632 (2005), 1633 (2005), 1643 (2005), 1652 (2006), 1657 (2006), 1682 (2006), 1708 (2006), 1721 (2006), 1726 (2006), 1727 (2006), 1739 (2007), 1761 (2007), 1763 (2007), 1765 (2007) and 1782 (2007).

¹⁷ Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council; and Non-proliferation/Democratic People's Republic of Korea.

¹⁸ Resolution 1695 (2006), third and fourth preambular paragraphs.

¹⁹ *Ibid.*, twelfth preambular paragraph.

²⁰ S/PRST/2006/41.

²¹ Resolution 1718 (2006), third and ninth preambular paragraphs.

²² *Ibid.*, para. 1.

²³ Resolution 1533 (2004), second and seventh preambular paragraphs.

²⁴ Resolutions 1552 (2004), 1555 (2004), 1565 (2004), 1592 (2005), 1596 (2005), 1616 (2005), 1621 (2005), 1628 (2005), 1635 (2005), 1649 (2005), 1654 (2006), 1671 (2006), 1693 (2006), 1698 (2006), 1711 (2006), 1736 (2006), 1742 (2007), 1751 (2007), 1756 (2007), 1768 (2007), 1771 (2007) and 1794 (2007).

The question concerning Haiti

By resolution 1529 (2004) of 29 February 2004, the Council expressed its concern at the deterioration of the political, security and humanitarian situation in Haiti. The Council also expressed its utmost concern at the continuing violence in the country, as well as the potential for a rapid deterioration of the humanitarian situation, and its destabilizing effect on the region. The Council therefore determined that the situation in Haiti constituted a threat to international peace and security, and to stability in the Caribbean, especially through the potential outflow of people to other States in the subregion.²⁵ The Council reiterated that the situation in Haiti continued to constitute a threat to international peace and security by a series of subsequent resolutions.²⁶

By resolution 1542 (2004) of 30 April 2004, noting the existence of challenges to the political, social and economic stability of Haiti, the Council determined that the situation in Haiti continued to constitute a threat to international peace and security in the region.²⁷ By a number of subsequent resolutions, the Council reiterated that determination.²⁸

The situation concerning Iraq

By resolution 1637 (2005) of 8 November 2005, recognizing that international support for security and stability was still essential, the Council determined that the situation in Iraq continued to constitute a threat to international peace and security.²⁹ This determination was reiterated by two subsequent resolutions.³⁰

The situation between Iraq and Kuwait

By resolution 1546 (2004) of 8 June 2004, while welcoming the beginning of a new phase in Iraq's transition to a democratically elected government, the Council recognized that international support for the restoration of stability and security was still essential and therefore determined that the situation in Iraq

continued to constitute a threat to international peace and security.³¹

The situation in Liberia

By resolution 1532 (2004) of 12 March 2004, the Council noted with concern that the actions and policies of the former President of Liberia, Charles Taylor, and other persons, in particular their depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, had undermined Liberia's transition to democracy and the orderly development of its political, administrative and economic institutions and resources. The Council therefore determined that the situation in Liberia constituted a threat to international peace and security in West Africa, in particular to the peace process in Liberia.³² By a number of subsequent resolutions, the Council reaffirmed its determination that the situation in Liberia continued to constitute a threat to international peace and security in the region.³³

By resolution 1638 (2005) of 11 November 2005, the Council, stressing that former President Taylor remained under indictment by the Special Court for Sierra Leone, determined that his return to Liberia would constitute a threat to the peace of Liberia and to international peace and security in the region.³⁴

By resolution 1683 (2006) of 13 June 2006, while welcoming the leadership of the newly elected President, Ellen Johnson Sirleaf, and her efforts to restore peace and security in Liberia, the Council determined that, although significant progress had been made, the situation in Liberia continued to constitute a threat to international peace and security in the region.³⁵ That determination was reaffirmed by the Council in a series of subsequent resolutions.³⁶

²⁵ Resolution 1529 (2004), second, third and ninth preambular paragraphs.

²⁶ Resolutions 1608 (2005), 1658 (2006) and 1702 (2006).

²⁷ Resolution 1542 (2004), tenth preambular paragraph.

²⁸ Resolutions 1576 (2004), 1601 (2005), 1743 (2007) and 1780 (2007).

²⁹ Resolution 1637 (2005), sixteenth and nineteenth preambular paragraphs.

³⁰ Resolutions 1723 (2006) and 1790 (2007).

³¹ Resolution 1546 (2004), first, twelfth and twentieth preambular paragraphs.

³² Resolution 1532 (2004), second and fifth preambular paragraphs.

³³ Resolutions 1579 (2004), 1607 (2005), 1626 (2005), 1647 (2005), 1667 (2006), 1689 (2006), 1694 (2006), 1712 (2006), 1750 (2007), 1753 (2007) and 1777 (2007).

³⁴ Resolution 1638 (2005), fifth preambular paragraph.

³⁵ Resolution 1683 (2006), second and fifth preambular paragraphs.

³⁶ Resolutions 1731 (2006), 1760 (2007) and 1792 (2007).

The situation in the Middle East

By resolution 1636 (2005) of 31 October 2005, the Council, taking note of the findings of the International Independent Investigation Commission, responsible for the investigation of the terrorist bombing in Beirut on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, the Council reaffirmed that terrorism, in all its forms and manifestations, constituted one of the most serious threats to peace and security. The Council also determined that the terrorist act that killed Mr. Hariri, as well as the act's implications, constituted a threat to international peace and security.³⁷ The Council reaffirmed this determination by resolution 1757 (2007) of 30 May 2007.

By resolution 1701 (2006) of 11 August 2006, the Council, expressing its concern at the continuing escalation of hostilities in Lebanon and Israel since Hizbullah's attack on Israel on 12 July 2006, determined that the situation in Lebanon constituted a threat to international peace and security.³⁸

By resolution 1773 (2007) of 24 August 2007, the Council, reiterating its support for full respect for the cessation of hostilities and the Blue Line in its entirety and condemning all terrorist attacks against the United Nations Interim Force in Lebanon (UNIFIL), determined that the situation in Lebanon continued to constitute a threat to international peace and security.³⁹

The situation in Sierra Leone

By resolution 1562 (2004) of 17 September 2004, the Council, commending the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraging the Mano River Union member States to continue their dialogue aimed at building regional peace and security, determined that the situation in Sierra Leone continued to constitute a threat to international peace and security in the region.⁴⁰ The Council reaffirmed this determination by resolution 1610 (2005) of 30 June 2005.

By resolution 1688 (2006) of 16 June 2006, noting that former President Taylor had been brought before the Special Court for Sierra Leone in Freetown, the Council determined that the continued presence of former President Taylor in the subregion constituted an impediment to stability and a threat to the peace of Liberia and Sierra Leone and to international peace and security in the region.⁴¹

The situation in Somalia

By resolution 1558 (2004) of 17 August 2004, the Council, condemning the continued flow of weapons and ammunition supplies to and through Somalia, in contravention of the arms embargo, and expressing its determination that violators should be held accountable, reiterated the importance of enhancing the monitoring of the arms embargo in Somalia and determined that the situation in Somalia constituted a threat to international peace and security in the region.⁴² By a number of subsequent resolutions, the Council reaffirmed that determination.⁴³

Reports of the Secretary-General on the Sudan

By resolution 1556 (2004) of 30 July 2004, the Council noted with grave concern that up to 200,000 refugees had fled to Chad, constituting a serious burden upon that country, and expressed grave concern at the reported cross-border incursions by Janjaweed militias into Chad. The Council therefore determined that the situation in the Sudan constituted a threat to international peace and security and to stability in the region.⁴⁴ The Council reiterated its determination by a series of subsequent resolutions.⁴⁵

By resolution 1590 (2005) on 24 March 2005, the Council, condemning the continued violations of the N'Djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation,

³⁷ Resolution 1636 (2005), third and nineteenth preambular paragraphs.

³⁸ Resolution 1701 (2006), second and tenth preambular paragraphs.

³⁹ Resolution 1773 (2007), fourth, tenth and seventeenth preambular paragraphs.

⁴⁰ Resolution 1562 (2004), third and tenth preambular paragraphs.

⁴¹ Resolution 1688 (2006), fourteenth preambular paragraph.

⁴² Resolution 1558 (2004), third, fourth and fifth preambular paragraphs.

⁴³ Resolutions 1587 (2005), 1630 (2005), 1676 (2006), 1724 (2006), 1725 (2006), 1744 (2007), 1766 (2007) and 1772 (2007).

⁴⁴ Resolution 1556 (2004), twentieth and twenty-first preambular paragraphs.

⁴⁵ Resolutions 1564 (2004), 1651 (2005), 1665 (2006), 1672 (2006), 1713 (2006) and 1779 (2007).

determined that the situation in the Sudan continued to constitute a threat to international peace and security.⁴⁶ That determination was reaffirmed by the Council in a number of subsequent resolutions.⁴⁷

By resolution 1769 (2007) of 31 July 2007, reaffirming its concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, the Council determined that the situation in Darfur, the Sudan, continued to constitute a threat to international peace and security.⁴⁸

Non-proliferation of weapons of mass destruction

By resolution 1540 (2004) of 28 April 2004, the Council, affirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security, reaffirmed the need to combat by all means, in accordance with the Charter, threats to international peace and security caused by terrorist acts.⁴⁹ The Council reiterated this determination by resolution 1673 (2006) of 27 April 2006.

Cross-border issues in Africa

By a statement of the President dated 25 March 2004, the Council recognized the need for a comprehensive and composite approach for durable solutions to the complex crises and conflicts in West Africa and considered that the illegal trafficking in arms posed a threat to international peace and security in the region.⁵⁰

Peace consolidation in West Africa

By a statement of the President dated 9 August 2006, the Council, stressing the primary role of each West African Government in peace consolidation and reiterating the importance for all leaders to work together for peace and security in the region, considered that illicit trafficking in small arms and

light weapons still posed a threat to international peace and security in the region.⁵¹

Protection of civilians in armed conflict

By resolution 1674 (2006) of 28 April 2006, the Council noted that the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict, might constitute a threat to international peace and security, and reaffirmed its readiness to consider such situations and, where necessary, to adopt “appropriate steps”.⁵² That determination was reaffirmed by the Council by resolution 1738 (2006) of 23 December 2006.

Threats to international peace and security caused by terrorist acts

By several resolutions and statements by the President, the Council reaffirmed its determination that terrorism, in all its forms and manifestations, constituted one of the most serious threats to international peace and security.⁵³

By a series of resolutions and statements by the President, adopted in relation to specific terrorist acts committed in the period under review, the Council condemned such attacks in the strongest terms and declared that it regarded such acts, like any act of terrorism, as threats to international peace and security.⁵⁴

⁴⁶ Resolution 1590 (2005), eleventh and twenty-third preambular paragraphs.

⁴⁷ Resolutions 1591 (2005), 1593 (2005), 1627 (2005), 1663 (2006), 1679 (2006), 1706 (2006), 1709 (2006), 1714 (2006), 1755 (2007) and 1784 (2007).

⁴⁸ Resolution 1769 (2007), fifteenth and sixteenth preambular paragraphs.

⁴⁹ Resolution 1540 (2004), first and fourteenth preambular paragraphs.

⁵⁰ S/PRST/2004/7.

⁵¹ S/PRST/2006/41.

⁵² Resolution 1674 (2006), para. 26.

⁵³ Resolutions 1526 (2004), 1535 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1644 (2005), 1735 (2006) and 1787 (2007). See also S/PRST/2004/26, S/PRST/2004/37, S/PRST/2005/3, S/PRST/2005/16, S/PRST/2005/34, S/PRST/2005/64, S/PRST/2006/56 and S/PRST/2007/1.

⁵⁴ Resolutions 1530 (2004), 1611 (2005) and 1618 (2005). See also S/PRST/2004/14, S/PRST/2004/31, S/PRST/2005/36, S/PRST/2005/45, S/PRST/2005/53, S/PRST/2005/55, S/PRST/2006/18, S/PRST/2006/30, S/PRST/2007/10, S/PRST/2007/11, S/PRST/2007/26, S/PRST/2007/32, S/PRST/2007/36, S/PRST/2007/39, S/PRST/2007/45 and S/PRST/2007/50.

B. Discussion relating to Article 39

*Items relating to the Democratic People's Republic of Korea*⁵⁵

At its 5490th meeting, on 15 July 2006, the Council unanimously adopted resolution 1695 (2006), by which it expressed grave concern at the launch of ballistic missiles by the Democratic People's Republic of Korea, given the potential of such systems to be used as a means to deliver nuclear, chemical or biological payloads. During the debate that followed the vote, the representatives of Japan and the United States welcomed the unanimous adoption of the resolution, stressing that the ballistic missiles launched by the Democratic People's Republic of Korea constituted a "direct threat" to international peace and security.⁵⁶ The representative of France noted that the resolution constituted a significant development in the Council's efforts to combat the proliferation of weapons of mass destruction and their means of delivery, which posed a threat to international peace and security.⁵⁷ The representative of the Republic of Korea insisted that the launches undermined peace and stability in North-East Asia and adversely affected inter-Korean relations.⁵⁸ The representative of the Democratic People's Republic of Korea rejected the newly adopted resolution, emphasizing that the Council had no authority to debate the missile launch exercise which was a "routine military exercise" designed to increase the country's capacity for self-defence.⁵⁹

At its 5551st meeting, on 14 October 2006, the Council unanimously adopted resolution 1718 (2006) by which it expressed profound concern at the increased tension generated by the Democratic People's Republic of Korea's alleged test of a nuclear weapon. In the subsequent debate, several speakers agreed that the tests conducted by the Democratic People's Republic of Korea posed a threat to international peace and security.⁶⁰ Recalling resolution

1695 (2006), the representative of the United States expressed his disappointment that the Democratic People's Republic of Korea chose to answer the Council's demands with "yet another direct threat to international peace and security", provoking an international crisis and denying its people an opportunity for a better life. He expressed satisfaction with the Council's decision to condemn the launches, which in his opinion signalled to everyone that the Council was prepared to meet threats to international security "with swift resolve".⁶¹ The representative of the United Kingdom said that the test had been carried out in violation of the Treaty on the Non-Proliferation of Nuclear Weapons and resolution 1695 (2006).⁶² The representative of the Russian Federation recalled his Government's position that any nuclear experiment conducted by the Democratic People's Republic of Korea could complicate the prospects for a settlement of the nuclear problem on the Korean peninsula, which was already "fraught with threats to peace, security and stability". He spoke in favour of a strong response on the part of the Council to the "serious challenge to the entire international community" posed by the actions of the Democratic People's Republic of Korea, but cautioned that the response should be "carefully vetted and targeted to prevent further escalation of tension".⁶³ The representative of Japan said that, while the resolution contained strong measures, its goal was to remove the threat to international peace and security by ensuring the discontinuation of the Democratic People's Republic of Korea's nuclear testing and ballistic missile launchings.⁶⁴ In response, the representative of the Democratic People's Republic of Korea rejected the newly adopted resolution, characterizing it as "unjustifiable". He expressed disappointment at the Council's inability to express a "word of concern" to the United States, which threatened his country with a nuclear pre-emptive attack. He asserted that the Democratic People's Republic of Korea's nuclear test was "entirely attributable to the United States nuclear threat, sanctions and pressure".⁶⁵

⁵⁵ Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council; and Non-proliferation/Democratic People's Republic of Korea.

⁵⁶ S/PV.5490, p. 2 (Japan); and p. 4 (United States).

⁵⁷ *Ibid.*, p. 7.

⁵⁸ *Ibid.*, p. 9.

⁵⁹ *Ibid.*, p. 8.

⁶⁰ S/PV.5551, p. 2 (United States); p. 5 (United Kingdom); p. 7 (Japan); and p. 8 (Republic of Korea).

⁶¹ *Ibid.*, pp. 2-3.

⁶² *Ibid.*, p. 5.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, p. 7.

⁶⁵ *Ibid.*, pp. 7-8.

The situation in the Middle East

At its 5028th meeting, on 2 September 2004, the Council adopted resolution 1559 (2004), by which it expressed concern at the continued presence of armed militias in Lebanon and called upon all remaining foreign forces to withdraw from Lebanon. Following the vote, the representative of France noted that Lebanon's internal stability and the stability of the region had been "repeatedly and seriously threatened", and stressed the need for the withdrawal of foreign forces from Lebanon and the dismantling of Lebanese and non-Lebanese militias.⁶⁶ The representative of Algeria argued however that the situation in Lebanon did not "appear to constitute a threat to international peace and security" and, therefore, did not require a decision of the Council. He opined that it was Israel that, because of its "policy of occupation and colonization of Arab lands", constituted an "incontrovertible threat to international peace and security" which required urgent consideration and measures by the Council.⁶⁷ The representative of Pakistan pointed out that the newly adopted resolution was not consistent with the Council's functions and responsibilities under Article 39 of the Charter, since it failed to establish evidence of any "urgent threat to peace". He stressed that the Council should address the "real threat" to peace in the Middle East arising from the occupation of Palestinian and Arab territories.⁶⁸ The representative of Angola expressed the hope that the adoption of the resolution would not have "undesirable and unexpected effects", since the situation in Lebanon did not represent an immediate threat to peace and security.⁶⁹

At its 5117th meeting, on 28 January 2005, the Council unanimously adopted resolution 1583 (2005), by which, expressing concern at the persistence of tensions and violence along the Blue Line, as well as at the potential for conflict escalation, it renewed the mandate of UNIFIL. During the subsequent debate, the representative of the United States emphasized that the Lebanese Government's failure to deploy its armed forces in sufficient numbers to ensure a calm environment throughout its territory posed a "grave threat to peace and security".⁷⁰ The representative of

Greece noted that the unanimous adoption of the resolution was a sign of the Council's feeling that the situation in Lebanon was still threatening peace and security in the area.⁷¹

At its 5489th meeting, on 14 July 2006, the Council discussed a new outbreak of hostilities between Lebanon and Israel on 12 July 2006. During the debate, a number of speakers called for the immediate cessation of hostilities, emphasizing the grave suffering of the civilian population and the infrastructure damages.⁷² The representative of the Russian Federation voiced concern that the border incident which had triggered the crisis was escalating into a "major military conflagration" that could have "grave consequences" for Lebanon, the Middle East region as a whole and international peace. While condemning the kidnapping of Israeli soldiers and the firing of several rockets from Lebanese territory across the Blue Line, he stated the belief that Israel's military action was a disproportionate and inappropriate use of force that threatened "peace and security throughout the region".⁷³ Similarly, the representatives of the United Kingdom and Denmark said that the worsening of the relation between Israel and Lebanon posed a threat to security in the region.⁷⁴ The representative of Slovakia called on both sides to do more and demonstrate clear political will and a commitment to end the protracted conflict, which "threatens international peace and security".⁷⁵

At its 5508th meeting, on 8 August 2006, the Council continued its discussion of the situation in the Middle East. The representative of Israel emphasized the necessity of putting an end to the hostilities, and raised the question whether the Council and the international community could adopt a course of action which would end the threat that Hizbullah and its sponsors posed to the "peoples of Israel and Lebanon and to the region as a whole".⁷⁶ In response, the representative of Qatar affirmed that many factors had allowed terrorists to pursue acts that threatened

⁶⁶ S/PV.5028, p. 4.

⁶⁷ *Ibid.*, p. 5.

⁶⁸ *Ibid.*, p. 6.

⁶⁹ *Ibid.*, p. 7.

⁷⁰ S/PV.5117, p. 3.

⁷¹ *Ibid.*, p. 5.

⁷² S/PV.5489, p. 9 (Ghana, Argentina); p. 10 (Qatar); p. 11 (China); pp. 11-12 (Japan); p. 13 (Congo); pp. 13-14 (United Republic of Tanzania); p. 14 (Peru); p. 15 (Slovakia); pp. 16-17 (Greece); and p. 18 (France).

⁷³ *Ibid.*, p. 7.

⁷⁴ *Ibid.*, p. 12 (United Kingdom); and p. 15 (Denmark).

⁷⁵ *Ibid.*, p. 16.

⁷⁶ S/PV.5508, p. 4.

international peace and security, precisely because of the lack of implementation of Security Council resolutions, particularly on the issue of Palestine. He therefore emphasized the necessity for the cessation of hostilities to be established by a resolution of the Council, and not imposed exclusively from an Israeli perspective.⁷⁷

At its 5584th meeting, on 12 December 2006, the Council considered the latest report of the Secretary-General on the situation in the Middle East.⁷⁸ During the debate, the representative of Qatar expressed his regret that the Council dealt with issues of “lesser gravity and importance with unwavering seriousness and resolve”, but failed to give the same importance to the “dangerous question” of the Middle East, which posed an “ominous threat to the region as a whole”. He urged the Council to play an active role in finding a “just and permanent” solution to the Palestinian question and the Arab-Israeli conflict.⁷⁹ The representative of Israel pointed out that the “denial of the Holocaust” by the Islamic Republic of Iran, its “pursuit of nuclear weaponry, and its strategic backing of Hamas and Hizbullah” threatened peace and security. He expressed hope that the moderates in the region understood what needed to be done for peace, and where the “real threat” lay.⁸⁰ The representative of Slovakia underlined that national dialogue should continue in Lebanon with the aim, among others, of disarming militia, which represented a “constant threat to the stability and security of Lebanon and its neighbours”.⁸¹ The representative of the Congo observed that there was no military solution to the conflict in the Middle East, whose ramifications threatened to engulf an “already destabilized region”. He called for the convening of an international conference aimed at revitalizing the prospect for a two-State solution.⁸² The representative of Ghana, echoing previous speakers, declared that the Middle East “unquestionably” constituted the most “volatile region in the world and, by implication, the major threat to international peace and security”.⁸³

⁷⁷ Ibid., p. 7.

⁷⁸ S/2006/956.

⁷⁹ S/PV.5584, p. 7.

⁸⁰ Ibid., pp. 10-11.

⁸¹ Ibid., p. 14.

⁸² Ibid., p. 20.

⁸³ Ibid., p. 22.

The situation in Myanmar

The 5526th meeting of the Council was held on 15 September 2006 in response to the request by the representative of the United States to include the item entitled “The situation in Myanmar” in the agenda.⁸⁴ Prior to a vote on the adoption of the agenda, the representative of China, supported by the representative of Qatar, raised a number of objections, highlighting the fact that neither the direct neighbours of Myanmar nor the overwhelming majority of Asian countries recognized the situation in Myanmar as a threat to regional peace and security. He suggested that requesting the Council to discuss an issue which, by nature, pertained to the internal affairs of a country not only exceeded the mandate given by the Charter to the Council, but also undermined the Council’s authority and legality. He therefore concluded that, as long as the situation in Myanmar did not pose “a threat to international or regional peace and security”, China would be “unequivocally against” including the question of Myanmar in the agenda of the Security Council.⁸⁵ In response, the representative of the United States recalled his letter to the Council dated 1 September 2006,⁸⁶ in which he pointed out that the deteriorating humanitarian situation in Myanmar was likely to endanger the maintenance of international peace and security. He further noted that, since the adoption of resolution 688 (1991) dealing with the refugee flows from Iraq after the first Gulf war, the Council had considered similar matters as threats to international peace and security, which was also the case for the situation in Myanmar.⁸⁷

At its 5619th meeting, on 12 January 2007, the Council debated the adoption of a draft resolution submitted by the United States and the United Kingdom regarding the deterioration of the situation in Myanmar.⁸⁸ Prior to the vote, the representatives of China and Qatar emphasized that the developments in Myanmar were internal matters and did not constitute a threat to international peace and security, pointing out that Myanmar’s immediate neighbours, the Association of Southeast Asian Nations countries, and a majority of the Asia-Pacific countries did not regard it as a threat.⁸⁹

⁸⁴ See S/2006/742.

⁸⁵ S/PV.5526, pp. 2-3 (China); and p. 3 (Qatar).

⁸⁶ Not issued as a document of the Security Council.

⁸⁷ S/PV.5526, pp. 3-4.

⁸⁸ S/2007/14.

⁸⁹ S/PV.5619, p. 3 (China); and p. 5 (Qatar).

Similarly, the representative of Indonesia indicated that, while the events in Myanmar inflicted suffering on the people of Myanmar, the situation did not constitute a threat to international peace and security.⁹⁰ The representative of South Africa warned that his country would vote against the draft resolution because the issues it addressed did not fit with the Council's mandate under the Charter.⁹¹ Likewise, the representative of the Russian Federation stressed that, without denying that the country had been facing certain problems, particularly in the socioeconomic and humanitarian areas, the situation in Myanmar did not pose any threat to international or regional peace.⁹² Following the rejection of the draft resolution owing to the negative vote of two permanent members of the Council, the representative of the United States said that the situation in Myanmar posed a risk to peace and security beyond the country's borders. He argued that the draft resolution would have contributed to stability in the region by providing a clear support for the Secretary-General's good offices mission.⁹³ Sharing this viewpoint, the representative of the United Kingdom asserted that the situation in Myanmar represented "a threat to regional peace and security" and to the security of the people of Myanmar.⁹⁴ The representative of Slovakia expressed concern about the deteriorating situation in the country, including the massive violations of human rights, which, if not addressed adequately, could grow into an "intra-State conflict with consequences for the entire region".⁹⁵ In response, the representative of Myanmar stated that his country did not pose any threat to international peace and security and that the adoption of the draft resolution would have exceeded the Council's mandate, undermining its authority and legality, and creating a dangerous precedent.⁹⁶

At its 5753rd meeting, on 5 October 2007, the Council heard a briefing by the Secretary-General and

⁹⁰ Ibid., p. 4.

⁹¹ Ibid., p. 3.

⁹² Ibid., p. 6.

⁹³ Ibid., pp. 6-7.

⁹⁴ Ibid., p. 7.

⁹⁵ Ibid., p. 8.

⁹⁶ Ibid., p. 10. Similarly, by two letters dated 29 September 2006 and 8 December 2006, respectively, the representative of Cuba, on behalf of the Non-Aligned Movement, reaffirmed that the Movement did not consider the situation in Myanmar as posing a threat to international peace and security (see S/2006/781 and S/2006/969).

by his Special Envoy on his latest mission to Myanmar. During the ensuing debate, the representative of the United Kingdom expressed concern at the "continued human rights abuses" committed by the Government of Myanmar and opined that the situation in the country was not just an affront to the world but also "a threat to stability beyond [its] borders".⁹⁷ The representative of China noted that the situation in Myanmar was calming down thanks to the efforts of all parties and the international community, and said that the situation did not pose "any threat" to international or regional peace and security.⁹⁸ The representative of Peru noted however that the increase in the number of internally displaced persons and refugees was creating a "serious situation of instability", which threatened security in the region.⁹⁹ In response, affirming that the situation had returned to normalcy, the representative of Myanmar stated that his Government would continue its policy of national reconciliation and that, despite "recent tragic events", the situation in Myanmar was not a "threat either to regional or to international peace and security".¹⁰⁰

At its 5777th meeting, on 13 November 2007, after the Council heard another briefing from the Special Envoy of the Secretary-General to Myanmar, the representative of China reiterated that the "Myanmar issue" was an internal affair and did not pose any threat to international or regional peace and security.¹⁰¹ The representative of Peru warned however that the increasing number of displaced and refugees was leading to a situation of instability that could threaten stability within the country and the region.¹⁰² The representative of Myanmar maintained that peace and stability in his country had been restored and stressed that, unlike other situations in the world that threatened peace and security which deserved the "undivided attention" of the Council, Myanmar did not pose "any threat" to regional or international peace and security.¹⁰³

Africa's food crisis as a threat to peace and security

At its 5220th meeting, on 30 June 2005, the Council heard a briefing by the Executive Director of

⁹⁷ S/PV.5753, p. 6.

⁹⁸ Ibid., p. 9.

⁹⁹ Ibid., p. 16.

¹⁰⁰ Ibid., pp. 17-18.

¹⁰¹ S/PV.5777, p. 10.

¹⁰² Ibid., p. 14.

¹⁰³ Ibid., p. 18.

the World Food Programme on the food crisis in Africa, who reported on a range of humanitarian issues, specifically as they affected peace and security in the continent. In his opinion, the greatest humanitarian crisis in the world was posed by the erosion of the social and political fabric in southern Africa due to a “lethal mix of AIDS, recurring drought and failing governance and capacity”. He further stated that, in much of Africa, the prevalence of hunger was an “accurate barometer” for the level of social instability and that hunger could be both a cause and effect of political conflict.¹⁰⁴ During the ensuing debate, sharing the concerns regarding the triple threat of food insecurity, HIV/AIDS, and weakened governance in many African countries, Council members welcomed the opportunity to address the issue and spoke of the correlation between food security and peace and security in Africa. The representative of Romania, although noting that “humanitarian challenges” had not been formally taken up by the Council, welcomed the opportunity for the Council itself to be informed of and to examine those situations since they could constitute “ominous threats to regional peace, security and stability”.¹⁰⁵ Noting that the failure to achieve food security made peaceful societies more vulnerable to conflicts, the representative of Brazil stated that the international community needed to tackle the “deep-rooted socioeconomic causes of conflicts and humanitarian crises” in order to prevent the emergence, spread and recurrence of conflicts.¹⁰⁶ Echoing this statement, the representative of the United Kingdom expressed the view that inadequate distribution of food was a well-known cause of instability and could contribute to increasing the potential for conflict. He therefore opined that while the underlying causes of hunger were “very complex”, there was “no doubt” that it had “links both to governance and to peace and security”, which were the Council’s principal concern.¹⁰⁷ The representative of China said that the Council, as the body with the primary responsibility for international peace and security, should “adequately” recognize the direct relationship between food crises and conflicts in Africa and take effective measures to eliminate hunger and poverty in order to genuinely achieve peace and stability in Africa.¹⁰⁸ The representative of Greece emphasized that,

¹⁰⁴ S/PV.5220, pp. 2-4.

¹⁰⁵ Ibid., p. 9.

¹⁰⁶ Ibid., p. 8.

¹⁰⁷ Ibid., p. 9.

¹⁰⁸ Ibid., p. 13.

like any event or process leading to large-scale death or the lessening of life’s opportunities, and undermining States as the basic unit of the international system, hunger constituted a “threat to international security”.¹⁰⁹ The representative of the United States emphasized that the challenges in Africa represented a compelling call for international cooperation to support the continent’s efforts to achieve lasting progress, peace and security. She drew attention to a number of specific situations, such as those in Ethiopia, Liberia, the Niger, Sierra Leone, the Sudan and Zimbabwe, where hunger continued to threaten the peace and security of the African continent.¹¹⁰

Children and armed conflict

At its 4898th meeting, on 20 January 2004, the Council considered the latest report of the Secretary-General on children and armed conflict.¹¹¹ During the debate, the representative of the Russian Federation noted that many civil and international conflicts affected children, a phenomenon of such great magnitude that it could be viewed as “a new threat to peace and security in individual regions”.¹¹²

At the 5573rd meeting, on 28 November 2006, the representative of Egypt noted that the Council should not deal with the situations covered in the report of the Secretary-General on children and armed conflict,¹¹³ as such situations were not on the agenda of the Council and did not constitute a threat to international peace and security. Instead, he declared, such matters fell under the responsibility of the Third Committee of the General Assembly.¹¹⁴

Letter dated 5 April 2007 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

At its 5663rd meeting, on 17 April 2007, the Council considered the security implications of climate change, having before it a concept paper prepared by the United Kingdom.¹¹⁵ During the debate, it was generally acknowledged that climate change presented

¹⁰⁹ Ibid.

¹¹⁰ Ibid., p. 15.

¹¹¹ S/2003/1053.

¹¹² S/PV.4898, p. 13.

¹¹³ S/2006/826.

¹¹⁴ S/PV.5573 (Resumption 1), p. 21.

¹¹⁵ S/2007/186, annex.

a serious global challenge, and most speakers called for international cooperation to tackle the problem in a holistic and preventive manner.

A number of speakers affirmed that the Council had the responsibility to discuss the issue, as climate change presented a potential threat to international peace and security.¹¹⁶ The representatives of the United Kingdom, Belgium and Germany, among others, explicitly pointed at the clear link between climate change and the need for conflict prevention.¹¹⁷ The representative of Germany further added that, although the Council usually dealt with more imminent threats to international peace and security than those caused by climate change, “less obvious and more distant drivers of conflict” should not be neglected.¹¹⁸ The representative of Belgium pointed out that the Council’s “conventional security policies” were still often based on “obsolete” threat assessments and were more geared to managing crises than preventing them, making security policies exclusively based on national sovereignty “less and less appropriate”.¹¹⁹ The representative of Papua New Guinea highlighted that the dangers that small islands and their populations faced were no less serious than those faced by countries and people “threatened by guns and bombs”.¹²⁰

By contrast, a number of speakers held the view that the Council was not the right forum in which to address the implications of climate change on security.¹²¹ They contended that there was no direct link between climate change and security, stressing that both energy and climate change were fundamentally development issues. For instance, the representative of China, although recognizing that climate change might

have certain security implications, stated that it was “in essence” an issue of sustainable development.¹²² The representative of India stated that climate change could not be considered a threat in the context of Article 39 of the Charter.¹²³ Similarly, the representative of Venezuela (Bolivarian Republic of) emphasized that the Council was not the appropriate body to discuss the subject of climate change, insisting on a strict interpretation of what constituted “a threat to international peace and security”, in accordance with Article 39 of the Charter.¹²⁴

Non-proliferation (Islamic Republic of Iran)

At its 5500th meeting, on 31 July 2006, the Council adopted resolution 1696 (2006), by which it expressed its concern at the proliferation risks presented by the nuclear programme of the Islamic Republic of Iran and its determination to prevent an aggravation of the situation. During the debate following the adoption of the resolution, the representative of the United States commended the Council for taking “clear and firm” action, noting that the pursuit of nuclear weapons by the Islamic Republic of Iran constituted a direct threat to international peace and security, which demanded a “clear statement from the Council in the form of a binding resolution”.¹²⁵ In response, the representative of the Islamic Republic of Iran pointed out that his country’s nuclear programme did not pose a threat to international peace and security, which made the Council’s dealing with the issue “unwarranted and void of any legal basis or practical utility”.¹²⁶

At its 5612th meeting, on 23 December 2006, the Council unanimously adopted resolution 1737 (2006), by which, expressing concern about the Islamic Republic of Iran’s nuclear programme and its failure to comply with resolution 1696 (2006), it imposed a number of measures against the Islamic Republic of Iran. During the debate preceding the vote, the representative of the United States reiterated that the pursuit of a nuclear weapon capability by the Islamic Republic of Iran constituted a “grave threat” and demanded a clear statement from the Council.¹²⁷ Speaking after the vote, the representative of Japan noted that his country viewed the Islamic

¹¹⁶ S/PV.5663, p. 2 (United Kingdom); p. 4 (Slovakia, Italy); p. 5 (Belgium); p. 7 (Ghana); pp. 11-12 (France); and p. 19 (Germany, on behalf of the European Union and associated countries); S/PV.5663 (Resumption 1), pp. 14-15 (Denmark).

¹¹⁷ S/PV.5663, p. 2 (United Kingdom); p. 6 (Belgium); and p. 19 (Germany, on behalf of the European Union and associated countries).

¹¹⁸ *Ibid.*, p. 19.

¹¹⁹ *Ibid.*, p. 5.

¹²⁰ *Ibid.*, p. 28.

¹²¹ *Ibid.*, p. 10 (Qatar); p. 11 (France); pp. 12-13 (China); p. 14 (Indonesia); p. 16 (South Africa); p. 17 (Russian Federation); and p. 24 (Pakistan); S/PV.5663 (Resumption 1), p. 5 (Egypt); p. 10 (Venezuela, Bolivarian Republic of); p. 12 (Sudan); p. 21 (India); and p. 27 (Cuba, on behalf of the Non-Aligned Movement).

¹²² S/PV.5663, p. 12.

¹²³ S/PV.5663 (Resumption 1), p. 21

¹²⁴ *Ibid.*, p. 10.

¹²⁵ S/PV.5500, p. 3.

¹²⁶ *Ibid.*, p. 9.

¹²⁷ S/PV.5612, p. 3.

Republic of Iran's expansion of its enrichment — and reprocessing — related activities as an issue that could affect its own “national peace and security and that of the international community”. He stressed that the proliferation of nuclear and other weapons of mass destruction, along with their means of delivery, was a clear and present global challenge posing a great threat and should, therefore, be handled with “firm determination”.¹²⁸ The representative of the Islamic Republic of Iran deplored the adoption of the resolution, insisting that the Council should instead address the actual threat to international peace and security posed by Israel.¹²⁹

At its 5647th meeting, on 24 March 2007, the Council unanimously adopted resolution 1747 (2007) by which, reiterating concern over the proliferation risks posed by the nuclear programme of the Islamic Republic of Iran and the country's continuing failure to comply with the Council's resolutions, it strengthened the measures imposed against the Islamic Republic of Iran. During the discussion preceding the vote, the representative of South Africa noted that the Council should remain within its “mandate of addressing threats to international peace and security”. He added that if the sponsors of the draft resolution were convinced that the Iranian programme represented a threat to international peace, then the Council should have been asked to take a decision on a draft resolution that would have concentrated on that, and not to act as if the Government of the Islamic Republic of Iran itself posed a threat to international peace and security.¹³⁰ After the vote, the representative of the United States commended the Council on taking action against what was “clearly” a grave threat to international peace and security.¹³¹ The representative of the Islamic Republic of Iran argued that, by adopting the resolution, the Council was being “abused” to take an “unlawful, unnecessary and unjustifiable action” against his Government's peaceful nuclear programme, which presented no threat to international peace and security and therefore fell outside the Council's Charter-based mandate.¹³²

Non-proliferation of weapons of mass destruction

¹²⁸ Ibid., pp. 6-7.

¹²⁹ Ibid., pp. 8-9.

¹³⁰ S/PV.5647, p. 4.

¹³¹ Ibid., p. 8.

¹³² Ibid., p. 14.

At its 4950th meeting, on 22 April 2004, the Council considered a draft resolution on the non-proliferation of weapons of mass destruction.¹³³ During the debate, several speakers agreed that the acquisition of weapons of mass destruction by non-State actors posed a serious threat to international peace and security and pointed to the fact that the existing non-proliferation regimes did not adequately address the issue.¹³⁴ A number of speakers expressed the hope that the draft resolution would be adopted by the Council,¹³⁵ while several other speakers said that more consultations should be held before a decision was made.¹³⁶ A discussion arose regarding the opportunity for the Council to adopt the draft resolution under Chapter VII of the Charter. The representative of France pointed out that there were “widespread misgivings” about the reference to Chapter VII of the Charter in the draft resolution. He insisted that the reference did not imply that the Council would use force to ensure the implementation of the draft resolution; rather it served as a basis for the Council's consideration of the issue of proliferation of weapons of mass destruction as a threat to international peace and security.¹³⁷ Similarly, the representative of the United Kingdom stated that the Council had a “responsibility” to respond to what he labelled as a threat to international peace and security. He further

¹³³ Not issued as a document of the Security Council.

¹³⁴ S/PV.4950, pp. 2-3 (Philippines); pp. 3-5 (Brazil); pp. 5-6 (Algeria); pp. 6-8 (Spain); pp. 8-9 (France); pp. 9-10 (Angola); pp. 11-12 (United Kingdom); pp. 17-18 (United States); pp. 18-19 (Germany); pp. 19-20 (Canada); pp. 20-21 (New Zealand); pp. 22-23 (South Africa); pp. 23-24 (India); p. 25 (Singapore); pp. 25-27 (Ireland, on behalf of the European Union and associated countries); p. 27 (Sweden); pp. 28-29 (Switzerland); pp. 30-31 (Cuba); pp. 31-32 (Indonesia); and pp. 33-34 (Syrian Arab Republic); S/PV.4950 (Resumption 1), pp. 2-3 (Egypt); pp. 3-4 (Malaysia, on behalf of the Non-Aligned Movement); p. 7 (Australia); pp. 8-9 (Republic of Korea); pp. 9-10 (Argentina); pp. 10-11 (Jordan); pp. 11-12 (Liechtenstein); pp. 12-13 (Nicaragua); pp. 14-15 (Nigeria); pp. 15-16 (Albania); pp. 16-17 (Namibia); and pp. 17-18 (Thailand).

¹³⁵ See, for example, S/PV.4950, pp. 2-3 (Philippines); pp. 3-5 (Brazil); pp. 6-8 (Spain); and pp. 27-28 (Japan).

¹³⁶ See, for example, S/PV.4950, p. 20 (Peru); pp. 32-33 (Islamic Republic of Iran); and pp. 33-34 (Syrian Arab Republic); S/PV.4950 (Resumption 1); pp. 3-4 (Malaysia, on behalf of the Non-Aligned Movement); and pp. 13-14 (Nepal).

¹³⁷ S/PV.4950, pp. 8-9.

opined that the invocation of Chapter VII of the Charter was justifiable, considering that the Council was dealing with an urgent and clear threat to peace and security where it alone could act with the necessary speed and authority.¹³⁸ In contrast, the representative of Pakistan affirmed that there was “no justification” for the adoption of the draft resolution under Chapter VII of the Charter, because the threat of proliferation of weapons of mass destruction by non-State actors, while real, was not imminent, and thus did not pose a threat to peace.¹³⁹ In response, the representative of the United States declared that the draft resolution was placed under Chapter VII of the Charter in order to send an “important political message” regarding the seriousness with which the Council viewed that threat to international peace and security, and emphasized that the draft resolution was not about enforcement.¹⁴⁰ A number of representatives agreed with the necessity of totally eliminating weapons of mass destruction.¹⁴¹

At its 4956th meeting, on 28 April 2004, the Council unanimously adopted resolution 1540 (2004), which addressed the threat posed by non-State actors’ acquisition and development of weapons of mass destruction, under Chapter VII of the Charter. During the debate that followed, the majority of speakers welcomed the adoption of the resolution, as a legitimate and decisive response by the Council to a clear threat to international peace and security.¹⁴²

Reports of the Secretary-General on the Sudan

At its 5082nd meeting, on 19 November 2004, the Council unanimously adopted resolution 1574 (2004), by which it expressed its deep concern at the growing insecurity and violence in Darfur and stressed the importance of progress towards resolving the situation in the region. During the debate that followed, the representative of the United Kingdom noted that

the situation in Darfur remained a “threat to international security and stability in the region”, and urged the Council to remain seized of the issue and “be ready to take tougher action” if and when this was needed.¹⁴³ Noting that peace in the Sudan would not be complete without a political settlement for Darfur and voicing concern over the appalling humanitarian tragedy that the conflict had caused, the representative of France asserted that the situation posed a threat to international peace and security. He cautioned that the climate of violence and impunity reigning in Darfur further contributed to instability.¹⁴⁴

At the 5520th meeting, on 11 September 2006, the representative of Japan voiced concern over the worsening security situation on the ground in Darfur and the “well-documented atrocities and large-scale humanitarian disaster”. He opined that the situation continued to create conditions that could lead to “serious consequences” that threatened peace and security in the entire subregion.¹⁴⁵ The representative of Qatar pointed out that, although the Darfur Peace Agreement had been signed by the Government of the Sudan, some parties had refused to sign it. He noted that because of those factions violence had resumed, especially on the borders with Chad, posing “a threat to peace and security in Darfur and throughout the region”.¹⁴⁶

At its 5528th meeting, on 18 September 2006, the Council heard a briefing on the progress made in implementing the Comprehensive Peace Agreement in the Sudan. During the subsequent debate, the representative of Japan expressed the view that, while the resurgence of activities by armed groups in southern Sudan posed a serious threat to security in the region, the agreement on the cessation of hostilities signed by the Government of Uganda and the Lord’s Resistance Army was a positive step in the direction of improving security in southern Sudan.¹⁴⁷ The representative of Slovakia welcomed the progress made in implementing the Comprehensive Peace Agreement, but expressed concern at the deadlock concerning the status of the Abyei area, which continued to undermine the Agreement and threatened international peace and security. He further called on the Government of National Unity to resolve the issue

¹³⁸ Ibid., pp. 11-12.

¹³⁹ Ibid., p. 15.

¹⁴⁰ Ibid., p. 17.

¹⁴¹ S/PV.4950, pp. 33-34 (Syrian Arab Republic); S/PV.4950 (Resumption 1), pp. 3-4 (Malaysia, on behalf of the Non-Aligned Movement); pp. 4-5 (Mexico); pp. 6-7 (Norway); pp. 14-15 (Nigeria); pp. 16-17 (Namibia); and pp. 17-18 (Thailand).

¹⁴² S/PV.4956, p. 2 (France); p. 5 (United States); p. 6 (Russian Federation); p. 7 (Algeria, United Kingdom); p. 8 (Spain); p. 9 (Romania, Philippines); and p. 10 (Germany).

¹⁴³ S/PV.5082, p. 4.

¹⁴⁴ Ibid., p. 12.

¹⁴⁵ S/PV.5520, p. 17.

¹⁴⁶ Ibid., pp. 18-19.

¹⁴⁷ S/PV.5528, p. 12.

of the demarcation between the north and the south as soon as possible.¹⁴⁸

Small arms

At the 4896th meeting of the Council, on 19 January 2004, a number of representatives commented on the fact that the proliferation of illicit small arms and light weapons posed a threat to international peace and security.¹⁴⁹ The representative of Colombia wondered whether the Security Council could deal with the issue of small arms under Chapter VII of the Charter in the same way it had used resolution 1373 (2001) to fight terrorism, considering that the illicit trade in small arms and light weapons represented “an equal or even greater threat to international peace and security” and caused massive

destruction.¹⁵⁰ The representative of Sierra Leone argued that, considering the threat to international peace and security posed by the illicit trade in small arms, the Council should assume responsibility in removing such a threat by going “beyond” its presidential statements and rather seeking other means of enforcing its arms embargoes.¹⁵¹

At the 5127th and 5390th meetings, on 17 February 2005 and 20 March 2006, respectively, several representatives reiterated that the illicit traffic of small arms posed a threat to international peace and security.¹⁵²

¹⁴⁸ Ibid., p. 14.

¹⁴⁹ S/PV.4896, p. 12 (Spain); p. 17 (Angola); p. 18 (Algeria); p. 24 (Republic of Korea); p. 28 (South Africa); and p. 31 (Colombia); S/PV.4896 (Resumption 1), p. 4 (Peru); pp. 12-13 (Sierra Leone); and p. 15 (Costa Rica).

¹⁵⁰ S/PV.4896, p. 29.

¹⁵¹ S/PV.4896 (Resumption 1), p. 12.

¹⁵² S/PV.5127, p. 10 (United Republic of Tanzania); p. 17 (Algeria); p. 25 (Canada); and p. 30 (Peru); S/PV.5127 (Resumption 1), p. 6 (Turkey); pp. 7-8 (Indonesia); and p. 12 (Norway); S/PV.5390, p. 4 (Peru); p. 9 (United Kingdom); p. 12 (Greece); p. 19 (Slovakia); p. 22 (Argentina); p. 24 (Guyana); p. 27 (Sierra Leone); and p. 32 (Brazil).

Part II

Provisional measures to prevent the aggravation of a situation in accordance with Article 40 of the Charter

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Note

During the period under consideration, the Security Council adopted one resolution explicitly citing Article 40 of the Charter, in connection with the issue of non-proliferation. In several other instances, having determined the existence of a threat to the peace, the Council adopted a number of decisions acting under Chapter VII of the Charter, without expressly referring

to Article 40, which may be of relevance to the Council’s interpretation and application of the principle enshrined in Article 40. By those decisions, the Council called upon the parties to comply with certain provisional measures in order to prevent an aggravation of the situation in question. The measures that could typically be subsumed under the provision of Article 40 included: (a) withdrawal of armed forces; (b) cessation of hostilities; (c) disarmament of militias; (d) conclusion or observance of a ceasefire; (e) negotiation of differences and disputes; (f) compliance with obligations under international humanitarian law; (g) creation of the conditions necessary for unimpeded delivery of humanitarian assistance; and (h) cooperation with peacekeeping efforts and humanitarian assistance. Increasingly, during the period under consideration, the Council, after determining the existence of a threat to the peace and acting under Chapter VII of the Charter, made calls upon the parties to sign peace or ceasefire agreements, to fulfil their obligations under existing peace or ceasefire agreements, or to resume peace talks and/or political dialogue.

Section A outlines the decisions of the Council containing specific provisional measures that the Council called upon the parties to comply with in order to prevent an aggravation of the situation. A number of Council resolutions contained warnings that, in the event of failure to comply with the terms of those resolutions, the Council would meet again and consider further steps. These warnings, which might be considered as falling under Article 40, were expressed in various ways. In a number of instances, the Council warned that it would consider taking further measures if its calls were not heeded.¹⁵³

Section B reflects the discussion in the Council in connection with the adoption of measures falling under the provisions of Article 40 on the issue of non-proliferation.

A. Decisions relating to Article 40

Non-proliferation (Islamic Republic of Iran)

By resolution 1696 (2006) of 31 July 2006, the Council expressed its concerns about the proliferation risks presented by the Iranian nuclear programme. Therefore, “mindful of its primary responsibility under the Charter for the maintenance of international peace and security”, and being “determined to prevent an aggravation of the situation”, the Council explicitly acting under Article 40 of Chapter VII of the Charter, called upon the Islamic Republic of Iran, without further delay, to take the steps required by the Board of Governors of the International Atomic Energy Agency (IAEA) which the Council considered essential for building confidence in the exclusively peaceful purpose of that country’s nuclear programme and for resolving outstanding questions; demanded that the Islamic Republic of Iran suspend all enrichment-related and reprocessing activities, including research and development, actions which would be verified by IAEA; called upon the Islamic Republic of Iran to act in accordance with the provisions of the Additional Protocol and to implement without delay all

¹⁵³ See, for example, in connection with the situation in the Sudan, resolutions 1556 (2004), para. 6; 1564 (2004), para. 14; 1591 (2005), para. 8; and 1679 (2006), para. 1. In connection with the situation in Côte d’Ivoire, see resolutions 1727 (2006), para. 12, and 1782 (2007), para. 15. In connection with non-proliferation, see resolution 1747 (2007), para. 13.

transparency measures as IAEA might request in support of its ongoing investigations; and expressed its intention, in the event of non-compliance by the Islamic Republic of Iran by 31 August 2006, to adopt appropriate measures under Article 41 of Chapter VII of the Charter.¹⁵⁴

The situation in Burundi

By resolution 1545 (2004) of 21 May 2004, the Council, noting that obstacles remained to Burundi’s stability and stressing the importance of the full and unconditional implementation of the Arusha Agreement, demanded that all parties fulfil their obligations under that agreement in order to allow the electoral process, in particular the legislative elections, to take place before 31 October 2004.¹⁵⁵

By resolution 1577 (2004) of 1 December 2004, the Council, condemning all acts of violence as well as violations of human rights and international humanitarian law, in particular the Gatumba massacre, urged all the Governments and parties concerned in the region to denounce the use of and incitement to violence, to condemn unequivocally violations of human rights and international humanitarian law, and actively to cooperate with the United Nations Operation in Burundi and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and with efforts of States aimed at ending impunity. The Council also called upon the Governments of the Democratic Republic of the Congo and Rwanda to cooperate unreservedly with the Government of Burundi to ensure that the investigation into the Gatumba massacre was completed and that those responsible were brought to justice.¹⁵⁶

By resolution 1602 (2005) of 31 May 2005, the Council called upon all Burundian parties to exert greater efforts to ensure the success of the transition, national reconciliation, and the stability of the country in the longer term, in particular by refraining from any actions which might affect the cohesion of the Arusha Agreement process.¹⁵⁷

¹⁵⁴ Resolution 1696 (2006), ninth preambular paragraph and paras. 1, 2, 6 and 8.

¹⁵⁵ Resolution 1545 (2004), para. 15.

¹⁵⁶ Resolution 1577 (2004), tenth and eleventh preambular paragraphs and paras. 2 and 3.

¹⁵⁷ Resolution 1602 (2005), para. 2.

By resolution 1650 (2005) of 21 December 2005, the Council urged the Government of Burundi to complete the implementation of the programme of disarmament, demobilization and reintegration, including the effective reintegration of former combatants. Welcoming the willingness shown by the Government of Burundi to achieve a peaceful solution with the Parti pour la libération du peuple hutu-Forces nationales de libération (Palipehutu-FNL), the Council reiterated its call upon that movement to join the peace and national reconciliation process without further delays or conditions. The Council expressed its deep concern at the violations of human rights reported by the Secretary-General, and urged the Government and other parties concerned to take the necessary steps to prevent further violations and to ensure that those responsible for such violations were brought to justice without delay.¹⁵⁸

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, while establishing a multidimensional presence in Chad and the Central African Republic, the Council called upon all the parties to cooperate fully in the deployment and operations of the United Nations Mission in the Central African Republic and Chad and the European Union operation, including by guaranteeing the security and freedom of movement of their personnel and associated personnel.¹⁵⁹

The situation in Côte d'Ivoire

By resolution 1527 (2004) of 4 February 2004, the Council, reaffirming its endorsement of the agreement signed by the Ivorian political forces at Linas-Marcoussis on 23 January 2003, and noting with concern the continued existence of challenges to the stability of Côte d'Ivoire, called upon the signatories to the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under that Agreement.¹⁶⁰ The Council also called upon the signatories to the Agreement to take the steps called for

by the Secretary-General in paragraph 86 of his report.¹⁶¹

By resolution 1528 (2004) of 27 February 2004, stressing the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, the Council demanded that the countries fulfil their obligations under the Agreement so that, in particular, the forthcoming presidential election could be held in 2005, in accordance with the constitutional deadlines.¹⁶² The Council called upon all parties to cooperate fully in the deployment and operations of the United Nations Operation in Côte d'Ivoire (UNOCI), in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Côte d'Ivoire.¹⁶³

By resolution 1572 (2004) of 15 November 2004, condemning the air strikes committed by the national armed forces of Côte d'Ivoire, which constituted flagrant violations of the ceasefire agreement of 3 May 2003, the Council demanded that all Ivorian parties to the conflict, the Government of Côte d'Ivoire as well as the Forces nouvelles, fully comply with the ceasefire. Emphasizing that there could be no military solution to the crisis and that the full implementation of the Linas-Marcoussis and Accra III Agreements remained the only way to resolve the crisis persisting in the country, the Council urged the President of Côte d'Ivoire, the heads of all Ivorian political parties and the leaders of the Forces nouvelles immediately to begin resolutely implementing all the commitments they had made under those agreements. The Council demanded that the Ivorian authorities stop all radio and television broadcasting inciting hatred, intolerance and

¹⁵⁸ Resolution 1650 (2005), paras. 7, 8 and 9.

¹⁵⁹ Resolution 1778 (2007), para. 13.

¹⁶⁰ Resolution 1527 (2004), third and ninth preambular paragraphs and para. 4.

¹⁶¹ Ibid., para. 5. In his report dated 6 January 2004 (S/2004/3), the Secretary-General recommended that the Forces nouvelles reaffirm their commitment to remain part of the Government of National Reconciliation; that the Forces armées nationales de Côte d'Ivoire and the Forces nouvelles complete their implementation of the decisions taken at the meetings in Yamoussoukro and Bouaké; that the concerned Ivorian parties take steps to disband the militias and curb the disruptive activities of the various youth groups; and that the Government complete its consideration of the package of reforms envisaged in the Linas-Marcoussis Agreement.

¹⁶² Resolution 1528 (2004), para. 10.

¹⁶³ Ibid., para. 11. The Council reiterated its call upon all parties to cooperate fully in the deployment and operations of UNOCI in resolution 1603 (2005), para. 15.

violence, and urged the Government of Côte d'Ivoire and the Forces nouvelles to take all necessary measures to ensure the security and safety of civilian persons, including foreign nationals and their property.¹⁶⁴

By resolution 1584 (2005) of 1 February 2005, the Council demanded that all Ivorian parties, including the Government of Côte d'Ivoire and the Forces nouvelles, provided unhindered access, particularly to equipment, sites and installations, to UNOCI and the French forces supporting it.¹⁶⁵

By resolution 1594 (2005) of 4 April 2005, the Council called upon all Ivorian parties immediately and actively to pursue a lasting and just solution to the crisis, particularly through the African Union mediation led by President Thabo Mbeki.¹⁶⁶

By resolution 1600 (2005) of 4 May 2005, reminding all parties they had decided to refer to the mediator, President Thabo Mbeki, any differences which might arise in the interpretation of any part of the Pretoria Agreement, the Council called upon them to implement fully that Agreement.¹⁶⁷

By resolution 1603 (2005) of 3 June 2005, endorsing the Pretoria Agreement, the Council demanded that all the signatories to the Agreement and all the Ivorian parties concerned implement it fully and without delay. The Council also reiterated its demand that all the Ivorian parties take all necessary steps to ensure that the forthcoming elections were free, fair and transparent.¹⁶⁸

By resolution 1633 (2005) of 21 October 2005, expressing serious concern at the persistence of the crisis and the deterioration of the situation in Côte d'Ivoire, the Council made a number of demands to the parties and others concerned. In particular, the Council demanded that all the parties signatories to the Linas-Marcoussis, Accra III and Pretoria Agreements, as well as all the Ivorian parties concerned implement these fully and without delay; that the Forces nouvelles proceed without delay with the programme of disarmament, demobilization and reintegration, in order to facilitate the restoration of the authority of the State throughout the national territory, the reunification of the country and the organization of the elections as soon as

possible; that all Ivorian parties stop all incitement to hatred and violence in radio and television broadcasting as well as in any other media; the immediate disarmament and dismantling of militias throughout the national territory; that all Ivorian parties refrain from any use of force and violence, including against civilians and foreigners, and from all kinds of disruptive street protests; and that all Ivorian parties cooperate fully with the operations of UNOCI and the French forces, in particular by guaranteeing the safety, security and freedom of movement of their personnel, as well as associated personnel, throughout the territory of Côte d'Ivoire.¹⁶⁹ The Council urged countries neighbouring Côte d'Ivoire to prevent any cross-border movement of combatants or arms into Côte d'Ivoire; and, reiterating its serious concern at all violations of human rights and international humanitarian law in Côte d'Ivoire, urged the Ivorian authorities to investigate those violations without delay in order to put an end to impunity.¹⁷⁰

By resolution 1721 (2006) of 1 November 2006, the Council made a number of demands to the parties and others concerned, namely, that the programme for the disarmament and dismantling of militias throughout the national territory be resumed immediately; that all the Ivorian parties concerned, in particular the armed forces of the Forces nouvelles and the armed forces of Côte d'Ivoire, participate in good faith in the work of the quadripartite commission responsible for overseeing the implementation of the disarmament, demobilization and reintegration programme and the operations for the disarmament and dismantling of militias; that all Ivorian parties end all incitement to hatred and violence, in radio and television broadcasting as well as in any other media; that all Ivorian parties refrain from any use of force and violence, including against civilians and foreigners, and from all kinds of disruptive street protests; that all Ivorian parties guarantee the security and freedom of movement of all Ivorian nationals throughout the territory of Côte d'Ivoire; and that all Ivorian parties cooperate fully with the operations of UNOCI and the French forces supporting it, as well as United Nations agencies and associated personnel, in particular by guaranteeing the safety, security and freedom of movement of their personnel, as well as associated personnel, throughout the territory of Côte d'Ivoire.¹⁷¹

¹⁶⁴ Resolution 1572 (2004), paras. 1, 3, 4 and 6.

¹⁶⁵ Resolution 1584 (2005), para. 5.

¹⁶⁶ Resolution 1594 (2005), para. 2.

¹⁶⁷ Resolution 1600 (2005), para. 2.

¹⁶⁸ Resolution 1603 (2005), paras. 1 and 6.

¹⁶⁹ Resolution 1633 (2005), paras. 3, 14, 16, 17, 18 and 21.

¹⁷⁰ *Ibid.*, paras. 19 and 20.

¹⁷¹ Resolution 1721 (2006), paras. 12, 14, 19, 26, 27 and 28.

By resolution 1727 (2006) of 15 December 2006, acting under Chapter VII of the Charter, the Council declared that it was fully prepared to impose targeted measures against persons to be designated by the Committee established pursuant to resolution 1572 (2004) to be a threat to the peace and national reconciliation process in Côte d'Ivoire, or found responsible for blocking the implementation of the peace process, attacking or obstructing the actions of UNOCI, the French forces, the High Representative for the elections, the International Working Group, or the Mediator, as well as serious violations of human rights and international humanitarian law, inciting public hatred or violating the arms embargo.¹⁷²

By resolution 1739 (2007) of 10 January 2007, the Council called upon all Ivorian parties to cooperate fully in the deployment and operations of UNOCI and the French forces supporting it, in particular by guaranteeing their safety, security and freedom of movement with unhindered and immediate access, as well as for associated personnel, throughout the territory of Côte d'Ivoire, to enable them to carry out fully their mandates.¹⁷³

*Items relating to the Democratic People's Republic of Korea*¹⁷⁴

By resolution 1695 (2006) of 15 July 2006, acting "under its special responsibility for the maintenance of international peace and security", and after condemning the multiple launches by the Democratic People's Republic of Korea of ballistic missiles on 5 July 2006, the Council demanded that the Government suspend all activities related to its ballistic missile programme, and re-establish its pre-existing commitments to a moratorium on missile launching. It further underlined, in particular to the Democratic People's Republic of Korea, the need to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts. The Council

¹⁷² Resolution 1727 (2006), para. 12. The Council reiterated its determination to impose targeted sanctions against such persons in resolution 1782 (2007), para. 15.

¹⁷³ Resolution 1739 (2007), para. 9.

¹⁷⁴ Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council; and Non-proliferation/Democratic People's Republic of Korea.

strongly urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition, to work towards the expeditious implementation of the Joint Statement of 19 September 2005, in particular to abandon all nuclear weapons and existing nuclear programmes, and to return at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and IAEA safeguards.¹⁷⁵

By resolution 1718 (2006) of 14 October 2006, condemning the nuclear test proclaimed by the Democratic People's Republic of Korea on 9 October 2006 in flagrant disregard of the Council's relevant resolutions, the Council made a number of demands. In particular, it demanded that the Democratic People's Republic of Korea not conduct any further nuclear test or launch of a ballistic missile; immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons; and return to the Treaty and IAEA safeguards. The Council called upon the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition and to work towards the expeditious implementation of the joint statement issued on 19 September 2005 by China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States.¹⁷⁶

The situation concerning the Democratic Republic of the Congo

By resolution 1565 (2004) of 1 October 2004, noting that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in the region, the Council made a number of demands to the parties and others concerned. In particular, the Council urged the Government of National Unity and Transition to continue, with determination and rapidity, the integration of the security forces, in particular the integration of the armed forces; and to develop without further delay a plan for the disarmament of foreign combatants, and to entrust its implementation to the armed forces of the Democratic Republic of the Congo, with the support of MONUC.¹⁷⁷ The Council further urged the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda to ensure that their territories were not used to infringe the

¹⁷⁵ Resolution 1695 (2006), paras. 1, 2, 5 and 6.

¹⁷⁶ Resolution 1718 (2006), paras. 2, 3, 4 and 14.

¹⁷⁷ Resolution 1565 (2004), paras. 13 and 14.

sovereignty of the others, to realize without further delay the complete normalization of their bilateral relations, and to cooperate actively in assuring security along their common borders, in particular by implementing agreements they had signed for the establishment of joint verification mechanisms with the active participation of MONUC. It urged the Governments of the Democratic Republic of the Congo and Rwanda to work together and with the Mission and the African Union, with a view to removing the threat posed by foreign armed groups, as they had agreed to in the Peace Agreement signed in Pretoria on 30 July 2002 and the Declaration signed in Pretoria on 27 November 2003, and in accordance with the terms of reference for the Joint Verification Mechanism signed in New York on 22 September 2004.¹⁷⁸ The Council also called upon the Government of National Unity and Transition and Congolese officials at all levels to take all necessary steps, while respecting freedom of expression and of the press, to prevent the use of the media to incite hatred or tensions among communities. Strongly condemning violence and other violations of international humanitarian law and human rights, in particular those perpetrated against civilians in the Democratic Republic of the Congo, the Council demanded that all parties and Governments concerned in the region, including the Government of National Unity and Transition, take without delay all necessary steps to bring to justice those responsible for the violations and to ensure respect for human rights and international humanitarian law, as appropriate with relevant international assistance, as well as to guarantee the security and well-being of the civilian population.¹⁷⁹ The Council demanded that all parties cooperate fully with the operations of MONUC and ensure the safety of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo. In particular, the Council demanded that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings.¹⁸⁰ Reaffirming the obligation of all parties to comply fully with the rules and principles

of international humanitarian law applicable to them related to the protection of humanitarian and United Nations personnel, the Council urged all those concerned to allow immediate, full and unimpeded access by humanitarian personnel to all people in need of assistance, as set forth in applicable international humanitarian law.¹⁸¹

By resolution 1592 (2005) of 30 March 2005, the Council urged the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority throughout the territory of the Democratic Republic of the Congo, and in particular in North and South Kivu and in Ituri.¹⁸² The Council called upon the Government of National Unity and Transition to develop with MONUC a joint concept of operations for the disarmament of foreign combatants by the armed forces of the Democratic Republic of the Congo, with the assistance of MONUC, within its mandate and capabilities; and demanded that the Governments of Uganda, Rwanda, as well as the Democratic Republic of the Congo put a stop to the use of their respective territories in support of violations of the arms embargo imposed by resolution 1493 (2003) or of activities of armed groups operating in the region.¹⁸³

By resolution 1693 (2006) of 30 June 2006, reiterating its serious concern regarding the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and at the threat they posed to the holding of elections, the Council called upon all Congolese parties to refrain from incitement to hatred and violence.¹⁸⁴

By resolution 1711 (2006) of 29 September 2006, condemning the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and the threat they posed to the holding of elections, the Council reiterated its call on all Congolese parties to refrain from incitement to hatred and violence and from any threat or use of force to prevent elections, dispute their

¹⁷⁸ *Ibid.*, paras. 15 and 16.

¹⁷⁹ *Ibid.*, paras. 17 and 19.

¹⁸⁰ *Ibid.*, para. 20. This demand was reiterated in resolutions 1592 (2005), para. 2, and 1756 (2007), para. 16. By the latter resolution, the Council demanded that MONUC human rights observers be granted access also to prisons.

¹⁸¹ Resolution 1565 (2004), para. 21. The Council reiterated this statement in resolutions 1756 (2007), para. 13, and 1794 (2007), para. 17.

¹⁸² Resolution 1592 (2005), para. 3. This statement was reiterated in resolution 1649 (2005), para. 8.

¹⁸³ Resolution 1592 (2005), paras. 5 and 9.

¹⁸⁴ Resolution 1693 (2006), para. 4.

outcome or subvert the peace process, and to resolve political differences by peaceful means, including through the framework established with the facilitation of MONUC, and within the framework of democratic institutions and the rule of law.¹⁸⁵

By resolution 1756 (2007) of 15 May 2007, reiterating its grave concern at the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the Ituri district and in North and South Kivu, which perpetuated a climate of insecurity in the whole region, the Council demanded that the militias and armed groups still present in the eastern part of the Democratic Republic of the Congo lay down their arms and engage voluntarily and without any further delay or preconditions in their demobilization, repatriation or resettlement, and reintegration.¹⁸⁶

By resolution 1794 (2007) of 21 December 2007, the Council reiterated its demand that the militias and armed groups still present in the eastern part of the Democratic Republic of the Congo, in particular the Forces démocratiques de libération du Rwanda, the ex-Rwandan Armed Forces/Interahamwe, the dissident militia of Laurent Nkunda and the Lord's Resistance Army, lay down their arms and engage voluntarily and without any further delay or preconditions in their demobilization, repatriation, resettlement and reintegration, as appropriate. Recalling resolution 1698 (2006), the Council further demanded that all armed groups immediately stop recruiting and using children and release all children associated with them.¹⁸⁷

The question concerning Haiti

By resolution 1529 (2004) of 29 February 2004, the Council authorized the immediate deployment of a Multinational Interim Force in Haiti and demanded that all parties to the conflict in Haiti cease using violent means. The Council also reiterated that all parties must respect international law, including with respect to human rights, and that there would be individual accountability and no impunity for violators. The Council further demanded that parties respect the constitutional succession and the political process under way to resolve the crisis and enable legitimate Haitian security forces and other public institutions to perform

their duties and provide access to humanitarian agencies to carry out their work. The Council called on all parties in Haiti to cooperate fully with the Multinational Interim Force in the execution of its mandate and to respect the security and freedom of movement of the Force, as well as to facilitate the safe and unimpeded access of international humanitarian personnel and aid to populations in need in Haiti.¹⁸⁸

By resolution 1542 (2004) of 30 April 2004, the Council authorized the establishment of the United Nations Stabilization Mission in Haiti and demanded strict respect for the persons and premises of the United Nations and associated personnel, the Organization of American States, the Caribbean Community and other international and humanitarian organizations, as well as diplomatic missions in Haiti, and that no acts of intimidation or violence be directed against personnel engaged in humanitarian, development or peacekeeping work. In addition, it demanded that all parties in Haiti provide safe and unimpeded access to humanitarian agencies to allow them to carry out their work.¹⁸⁹

The situation in the Middle East

By resolution 1701 (2006) of 11 August 2006, the Council, determining that the situation in Lebanon constituted a threat to international peace and security, called for a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbullah of all attacks and the immediate cessation by Israel of all offensive military operations. It further called upon the Government of Lebanon and the United Nations Interim Force in Lebanon (UNIFIL) upon full cessation of hostilities, to deploy their forces together throughout the south, and called upon the Government of Israel, as that deployment began, to withdraw all of its forces from southern Lebanon in parallel.¹⁹⁰ The Council called for Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the following principles and elements: full respect for the Blue Line by both parties; security arrangements to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any armed personnel, assets and weapons other than those of the Government of

¹⁸⁵ Resolution 1711 (2006), para. 9.

¹⁸⁶ Resolution 1756 (2007), para. 10.

¹⁸⁷ Resolution 1794 (2007), para. 3.

¹⁸⁸ Resolution 1529 (2004), paras. 7 and 8.

¹⁸⁹ Resolution 1542 (2004), para. 12. These demands were reiterated in resolutions 1743 (2007), para. 11 and 1780 (2007), para. 13.

¹⁹⁰ Resolution 1701 (2006), paras. 1 and 2.

Lebanon and UNIFIL; full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that required the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese Cabinet decision of 27 July 2006, there would be no weapons or authority in Lebanon other than that of the Lebanese State; no foreign forces in Lebanon without the consent of its Government; no sales or supply of arms and related materiel to Lebanon except as authorized by its Government; and provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession; and called upon the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel.¹⁹¹

By resolution 1773 (2007) of 24 August 2007, the Council, still determining that the situation in Lebanon constituted a threat to international peace and security, reiterated its call upon all parties concerned to respect the cessation of hostilities and the Blue Line in its entirety. Condemning all terrorist attacks against UNIFIL, the Council urged all parties to cooperate fully with the United Nations and UNIFIL and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, including by avoiding any course of action which endangered United Nations personnel and by ensuring that UNIFIL was accorded full freedom of movement within its area of operation; and called upon all parties to cooperate fully with the Security Council and the Secretary-General to achieve a permanent ceasefire and a long-term solution, as envisioned in resolution 1701 (2006).¹⁹²

The situation in Somalia

By resolution 1725 (2006) of 6 December 2006, expressing its concern regarding the continued violence inside Somalia, the Council urged the transitional federal institutions and the Union of Islamic Courts to fulfil the commitments they had made, resume without delay peace talks on the basis of the agreements reached in Khartoum, and adhere to agreements reached in their dialogue. The Council stated its intention to consider taking measures against those that sought to prevent or block a peaceful dialogue process, overthrow the

transitional federal institutions by force, or take action that could further threaten regional stability.¹⁹³

By resolution 1744 (2007) of 20 February 2007, the Council expressed its deep concern over the humanitarian situation in Somalia and demanded that all parties in Somalia ensure complete and unhindered humanitarian access, as well as provide guarantees for the safety and security of humanitarian aid workers in Somalia.¹⁹⁴

By resolution 1772 (2007) of 20 August 2007, the Council welcomed the convening of the National Reconciliation Congress at the initiative of the transitional federal institutions, and urged all parties to support the Congress and participate in the political process. It also urged the transitional federal institutions and all parties in Somalia to respect the conclusions of the Congress and to sustain an equally inclusive ongoing political process thereafter. The Council called on all parties and armed groups in Somalia to take appropriate steps to ensure the safety and security of the African Union Mission in Somalia and humanitarian personnel, and grant timely, safe and unhindered access for the delivery of humanitarian assistance to all those in need.¹⁹⁵

Reports of the Secretary-General on the Sudan

By resolution 1556 (2004) of 30 July 2004, expressing concern at reports of violations of the ceasefire agreement signed in N'Djamena on 8 April 2004, the Council made a number of demands to the parties and others concerned. In particular, the Council called upon the Government of the Sudan to fulfil immediately all of the commitments made in the joint communiqué of 3 July 2004, including by facilitating international relief for the humanitarian disaster by means of a moratorium on all restrictions that might hinder the provision of humanitarian assistance and access to the affected populations; advancing independent investigation, in cooperation with the United Nations, of violations of human rights and international humanitarian law; establishing credible security conditions for the protection of the civilian population and humanitarian actors; and resuming political talks with dissident groups from the Darfur region, specifically the Justice and Equality Movement

¹⁹¹ Ibid., paras. 8 and 14.

¹⁹² Resolution 1773 (2007), paras. 3-5.

¹⁹³ Resolution 1725 (2006), para. 2.

¹⁹⁴ Resolution 1744 (2007), para. 11.

¹⁹⁵ Resolution 1772 (2007), paras. 2, 4 and 20.

and the Sudan Liberation Movement and Sudan Liberation Army on Darfur.¹⁹⁶ The Council also urged the parties to the N'Djamena ceasefire agreement to conclude a political agreement without delay and strongly urged rebel groups to respect the ceasefire, end the violence immediately, engage in peace talks without preconditions, and act in a positive and constructive manner to resolve the conflict; further demanded that the Government of the Sudan fulfil its commitments to disarm the Janjaweed militias and apprehend and bring to justice Janjaweed leaders and their associates who had incited and carried out human rights and international humanitarian law violations and other atrocities; and expressed its intention to consider further actions, including measures as provided for in Article 41 of the Charter, in the event of non-compliance.¹⁹⁷

By resolution 1564 (2004) of 18 September 2004, the Council called upon the Government of the Sudan and the rebel groups to work together under the auspices of the African Union to reach a political solution in the negotiations held in Abuja. The Council also urged the parties to the negotiations to sign and implement the humanitarian agreement immediately, and to conclude a protocol on security issues as soon as possible.¹⁹⁸ The Council also urged the Government of the Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan; called upon all Sudanese parties to take the necessary steps to ensure that violations reported by the Ceasefire Commission were addressed immediately and that those responsible for such violations were held accountable; demanded that the Government of the Sudan submit to the African Union mission for verification the names of Janjaweed militiamen disarmed and names of those arrested for human rights abuses and violations of international humanitarian law; and demanded that all armed groups, including rebel forces, cease all violence, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, and facilitate the safety and security of humanitarian staff. In the event that the Government of the Sudan failed to comply fully with resolutions 1556 (2004) or 1564 (2004), the Council declared that it would consider imposing additional

measures as contemplated in Article 41 of the Charter, such as actions to affect the petroleum sector and the Government of the Sudan or individual members of the Government, in order to obtain full compliance or full cooperation.¹⁹⁹

By resolution 1591 (2005) of 29 March 2005, the Council demanded that all parties take immediate steps to fulfil all their commitments to respect the N'Djamena ceasefire agreement and the Abuja Protocols, including notification of force positions, to facilitate humanitarian assistance, and to cooperate fully with the African Union Mission. The Council also called upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Movement/Army, to resume the Abuja talks rapidly and negotiate in good faith to speedily reach an agreement. It also urged the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur. The Council also demanded that the Government of the Sudan, in accordance with its commitments under the N'Djamena ceasefire agreement and the Abuja Security Protocol, immediately cease conducting offensive military flights in and over the Darfur region. The Council reiterated that in the event that the parties failed to fulfil their commitments and demands, and the situation in Darfur continued to deteriorate, the Council would consider further measures as provided for in Article 41 of the Charter.²⁰⁰

By resolution 1679 (2006) of 16 May 2006, the Council called upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay. The Council also urged those parties that had not signed the Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement.²⁰¹ The Council expressed its intention to consider taking strong and effective measures, such as a travel ban and an asset freeze, against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement.²⁰²

¹⁹⁶ Resolution 1556 (2004), para. 1.

¹⁹⁷ *Ibid.*, paras. 5 and 6.

¹⁹⁸ Resolution 1564 (2004), para. 4.

¹⁹⁹ *Ibid.*, paras. 5, 8, 9, 10 and 14.

²⁰⁰ Resolution 1591 (2005), paras. 1, 2, 6 and 8.

²⁰¹ Resolution 1679 (2006), para. 1. The Council reiterated this demand in resolutions 1706 (2006), para. 14, and 1714 (2006), para. 3.

²⁰² Resolution 1679 (2006), para. 1.

By resolution 1755 (2007) of 30 April 2007, the Council called upon the parties to the Comprehensive Peace Agreement to accelerate urgently progress on implementing all their commitments, in particular to carry out the establishment of Joint Integrated Units and other aspects of the security sector reforms; to re-energize the process of disarmament, demobilization and reintegration of combatants; to complete the full and verified redeployment of forces by 9 July 2007; to demarcate precisely the north/south borderline of 1 January 1956, consistent with the Machakos Protocol of 20 July 2002; to resolve the Abyei problem and urgently establish an administration there; and to take the necessary steps to hold national elections according to the agreed time frame. The Council also reiterated its call upon the parties to the Comprehensive Peace Agreement, the Darfur Peace Agreement, the N'Djamena Humanitarian Ceasefire Agreement, the Eastern Sudan Peace Agreement, and the communiqué of 28 March 2007 to respect their commitments and implement fully all aspects of those agreements without delay, and called upon those parties that had not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede the implementation of the Agreement.²⁰³

By resolution 1769 (2007) of 31 July 2007, authorizing the establishment of an African Union-United Nations Hybrid Operation in Darfur (UNAMID), the Council called on all parties to urgently facilitate the full deployment of the United Nations light and heavy support packages to the African Union Mission in the Sudan (AMIS) and preparations for UNAMID.²⁰⁴ The Council called upon all the parties to the conflict in Darfur to immediately cease all hostilities and commit themselves to a sustained and permanent ceasefire; and demanded an immediate cessation of hostilities and attacks on AMIS, civilians and humanitarian agencies, their staff and assets and relief convoys, and that all parties to the conflict in Darfur fully cooperate with the Mission, civilians and humanitarian agencies, their staff and assets and relief convoys, and gave all necessary assistance to the deployment of the United Nations light and heavy support packages to the Mission, and to UNAMID.²⁰⁵ Welcoming the commitment expressed by the Government of the Sudan and some other parties

to the conflict to enter into talks and the political process, the Council called upon the other parties to the conflict to do likewise, and urged all the parties, in particular the non-signatory movements, to finalize their preparations for the talks. Welcoming the signing of a joint communiqué between the Government of the Sudan and the United Nations on facilitation of humanitarian activities in Darfur, the Council called for it to be fully implemented, and called upon all parties to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and the delivery of humanitarian assistance, in particular to internally displaced persons and refugees. The Council demanded that the parties to the conflict in Darfur fulfil their international obligations and their commitments under relevant agreements and Security Council resolutions.²⁰⁶

By resolution 1784 (2007) of 31 October 2007, the Council called for all parties to agree immediately to full unrestricted monitoring and verification by the United Nations Mission in the Sudan in the Abyei region, without prejudice to the final agreement on the actual borders between the two sides. The Council further called on the parties to take steps to reduce tensions in the Abyei region, including by redeploying their forces away from the disputed border of 1 January 1956 and by implementing an interim administration and agreeing upon boundaries. The Council called upon the parties to the Comprehensive Peace Agreement and the communiqué signed by the United Nations and the Government of National Unity at Khartoum on 28 March 2007 to support, protect and facilitate all humanitarian operations in the Sudan. It also called upon the Government of National Unity to cooperate fully with all United Nations operations within its territory in the implementation of their mandates.²⁰⁷

B. Discussion relating to Article 40

Non-proliferation (Islamic Republic of Iran)

At its 5500th meeting, on 31 July 2006, the Council, acting under Article 40 of Chapter VII of the Charter, adopted resolution 1696 (2006) by which it called upon the Islamic Republic of Iran to take the steps required by IAEA, and demanded that the Islamic Republic of Iran to suspend all enrichment-related and

²⁰³ Resolution 1755 (2007), paras. 3 and 4.

²⁰⁴ Resolution 1769 (2007), para. 4.

²⁰⁵ *Ibid.*, paras. 13 and 14.

²⁰⁶ *Ibid.*, paras. 18, 19 and 22.

²⁰⁷ Resolution 1784 (2007), paras. 5, 7, 12 and 14.

reprocessing activities. During the debate subsequent to the vote, the representative of Qatar declared that his country had voted against the draft resolution because his Government preferred exhausting “all possible ways and means” before taking a decision in the Council.²⁰⁸ In contrast, a number of speakers welcomed the adoption of the resolution and cautioned that should the Islamic Republic of Iran choose not to comply with the Council’s decision, the Council would discuss the adoption of measures under Article 41 of the Charter.²⁰⁹ The representative of the United Kingdom expressed his disappointment at the failure of the Islamic Republic of Iran to take steps that would allow for negotiations to begin. He concluded that there was “no alternative” but to adopt the resolution, which created a “mandatory obligation” on the Islamic Republic of Iran to suspend fully all uranium enrichment-related and processing activities.²¹⁰ The representative of the Russian Federation declared that, by acting under Article 40 of the Charter, the resolution made mandatory the demand of IAEA regarding the

Islamic Republic of Iran’s suspension of all uranium enrichment and reprocessing activities. He stressed that the measure adopted in accordance with Article 40 of the Charter should be viewed as an “interim measure”. In the event that the Islamic Republic of Iran fulfilled its obligations under Security Council resolutions, he added, it would not be necessary for the Council to adopt additional measures.²¹¹ The representative of the United Republic of Tanzania noted that he had voted in favour of the resolution because it precluded the use of force as an option in engaging the Islamic Republic of Iran. He expressed hope that, even in the resolution’s current form, additional measures would be unnecessary.²¹² In response, the representative of the Islamic Republic of Iran reiterated that, as his country’s nuclear programme posed no threat to international peace and security, the Council’s dealing with that issue was “unwarranted and void of any legal basis or practical utility”. He noted that the resolution was imposing “arbitrary thresholds” and that his Government was always ready for negotiations.²¹³

²⁰⁸ S/PV.5500, p. 3.

²⁰⁹ Ibid., p. 3 (United States); p. 4 (United Kingdom); p. 5 (Russian Federation, China); and p. 7 (France).

²¹⁰ Ibid., p. 4.

²¹¹ Ibid., p. 5.

²¹² Ibid., p. 6.

²¹³ Ibid., p. 9.

Part III

Measures not involving the use of armed force in accordance with Article 41 of the Charter

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Note

During the period under review, the Security Council imposed or modified measures under Chapter VII, of the type provided for in Article 41, against members of the Al-Qaida organization and the Taliban and associated individuals and entities, Côte

d’Ivoire, the Democratic People’s Republic of Korea, the Democratic Republic of the Congo, the Islamic Republic of Iran, Liberia, Sierra Leone and the Sudan, after having determined, in each case, the existence of a threat to international peace and security. In instances relating to the Democratic People’s Republic of Korea and the Islamic Republic of Iran, the Council specified that it was acting under Article 41 of Chapter VII of the Charter. The Council terminated measures imposed under Article 41 against Liberia and Rwanda. In addition, the Council imposed a number of judicial measures in relation to the situations in the Middle East, Sierra Leone and the Sudan. Such measures included the establishment of a Special Tribunal for Lebanon, the referral of the situation in Darfur to the Prosecutor of the International Criminal Court, and the endorsement of the intention of the President of the Special Court for Sierra Leone to authorize a Trial

Chamber in the Netherlands for the trial of the former President of Liberia, Charles Taylor.

Section A outlines the decisions of the Security Council imposing, modifying or terminating measures under Article 41 of the Charter, and section B highlights the salient issues that were raised in the Council's deliberations relating to Article 41 of the Charter. Both sections are subdivided into thematic, country-specific and judicial issues.

A. Decisions relating to Article 41

Decisions on thematic issues

The present subsection presents decisions on thematic issues which contain information concerning sanctions measures and their implementation. Such decisions were taken in relation to five agenda items, namely, children and armed conflict; general issues relating to sanctions; maintenance of international peace and security; small arms; and strengthening international law: rule of law and maintenance of international peace and security. In those decisions the Council emphasized the importance of the sanctions tool in the maintenance of international peace and security, and, inter alia, stressed its resolve to ensure targeted and balanced sanctions as well as fair and clear procedures for the listing and delisting of individuals on sanctions lists. The Council also reminded Member States of their obligations to implement and respect sanctions regimes and to collaborate with the sanctions committees and the panels of experts.

Children and armed conflict

By resolution 1539 (2004) of 22 April 2004, the Council, reiterating its commitment to address the widespread impact of armed conflict on children, took note, with deep concern, of the continued recruitment and use of children by parties to armed conflicts.²¹⁴ The Council expressed its intention to consider imposing targeted and graduated measures, through country-specific resolutions, such as a ban on the export or supply of small arms and light weapons and other military equipment and on military assistance, against parties to an armed conflict if they refused to enter into

²¹⁴ Resolution 1539 (2004), fifth preambular paragraph and para. 5.

dialogue, failed to develop an action plan, or failed to meet the commitments included in their action plan.²¹⁵

General issues relating to sanctions

By resolution 1730 (2006) of 19 December 2006, emphasizing that sanctions constituted an important tool in the maintenance and restoration of international peace and security and the obligations placed upon all States to implement in full the mandatory measures adopted by the Council, the Council stressed its continuing resolve to ensure that sanctions were carefully targeted in support of clear objectives and implemented in ways that balanced effectiveness against possible adverse consequences. It also expressed its commitment to ensuring that fair and clear procedures existed for placing individuals and entities on sanctions lists and for removing them. The Council adopted a delisting procedure and requested the Secretary-General to establish within the Secretariat a focal point to receive delisting requests. The Council also directed the sanctions committees to revise their guidelines accordingly.²¹⁶

Maintenance of international peace and security

By a statement of the President dated 25 June 2007, the Council noted that, through its various resolutions, it had taken measures to prevent the illegal exploitation of natural resources and had established sanctions committees, groups and panels of experts to oversee the implementation of those measures. The Council also emphasized the importance of improving the work of and strengthening the contributions made by existing sanctions committees and the various groups and panels of experts in dealing with the impact of illegal exploitation of natural resources on conflicts in countries under its consideration.²¹⁷

By a statement of the President dated 28 August 2007, the Council supported the comprehensive and global approach recommended by the Secretary-General in his report on the prevention of armed conflict,²¹⁸ which included, inter alia, the use of targeted sanctions in the face of immediate crises.²¹⁹

²¹⁵ Ibid., para. 5 (c). The Council reaffirmed this intention by its resolution 1612 (2005), para. 9.

²¹⁶ Resolution 1730 (2006), second, third, fourth and fifth preambular paragraphs and paras. 1 and 2.

²¹⁷ S/PRST/2007/22.

²¹⁸ A/60/891.

²¹⁹ S/PRST/2007/31.

Small arms

By a statement of the President dated 19 January 2004, the Council reiterated its call on all States to effectively implement arms embargoes and other sanctions measures imposed by the Council in its relevant resolutions. The Council further encouraged States to provide sanctions committees with any available information on alleged violations of arms embargoes.²²⁰

By a statement of the President dated 17 February 2005, the Council reiterated its call upon all States to enforce all resolutions on sanctions, including those imposing arms embargoes, and to bring their own domestic implementation into compliance with the Council's measures on sanctions. The Council also called upon States to continue to make available to the sanctions committees all pertinent information on any alleged violations of arms embargoes and to take appropriate measures to investigate such allegations.²²¹

Strengthening international law: rule of law and maintenance of international peace and security

By a statement of the President dated 22 June 2006, the Council noted that it considered sanctions an important tool in the maintenance and restoration of international peace and security. The Council also expressed its resolve to ensure that sanctions were carefully targeted in support of clear objectives and were implemented in ways that balanced effectiveness against possible adverse consequences. It further stated its commitment to ensuring that fair and clear procedures existed for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.²²²

Country-specific decisions relating to Article 41

This subsection covers the decisions relating to specific countries adopted during the period under review, by which the Council imposed, modified, strengthened or terminated sanctions regimes. It includes information on the establishment of subsidiary bodies of the Council tasked to oversee the implementation of the sanctions measures, namely, sanctions committees, monitoring groups, and panels of experts. When required for clarification, summarized descriptions of the mandatory measures — arms

embargo, asset freeze, travel restrictions, diamond ban, restriction of air traffic, restriction on diplomatic representation, prohibitions of round logs and timber products — are included, but these are not intended to serve as legal definitions of the measures. The decisions of the Council relating to committees or other subsidiary bodies are described in more detail in chapter V.

Measures imposed against Côte d'Ivoire

By resolution 1572 (2004) of 15 November 2004, the Council, deeply concerned with the humanitarian situation in Côte d'Ivoire, imposed an arms embargo for a period of 13 months, preventing the direct or indirect sale or transfer to Côte d'Ivoire of arms or any related materiel. The Council also decided that exemptions to these measures were to be considered, including supplies to the United Nations Operation in Côte d'Ivoire (UNOCI), supplies of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance and training. The Council decided to impose, for a period of 12 months, a travel ban, asking all States to take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee established by the resolution. The Council also decided that the travel restrictions would not apply to cases in which travel was justified on the grounds of humanitarian need.²²³ The Council decided that all States should, for a period of 12 months, freeze immediately the funds, other financial assets, and economic resources owned or controlled by those who blocked the implementation of the Linas-Marcoussis and Accra III Agreements; persons responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; any other person publicly inciting hatred and violence; and any other person determined by the Committee to be in violation of the sanctions imposed on Côte d'Ivoire.²²⁴ The Council extended these measures by resolutions 1643 (2005), 1727 (2006) and 1782 (2007). By resolution 1643 (2005) of 15 December 2005, the Council expressed its concern at the persistence of the crisis in Côte d'Ivoire and recognized the role played by the illicit trade in diamonds in fuelling the conflict in the

²²³ Resolution 1572 (2004), paras. 7, 8, 9 and 10.

²²⁴ *Ibid.*, para. 11. By para. 12 of the resolution, the Council also outlined a number of exemptions to the asset freeze.

²²⁰ S/PRST/2004/1.

²²¹ S/PRST/2005/7.

²²² S/PRST/2006/28.

country.²²⁵ The Council decided that all States were to take the necessary measures to prevent the import of all rough diamonds from Côte d'Ivoire.²²⁶

Establishment of a Group of Experts. By resolution 1584 (2005) of 1 February 2005, the Council authorized UNOCI and the French forces supporting it to monitor the application of the arms embargo imposed by resolution 1572 (2004) and to collect and dispose of such materiel as appropriate. The Council also requested the Secretary-General to establish a Panel of Experts in order to generate independent information on violations of the arms embargo and as a step towards implementing and strengthening the embargo.²²⁷ The mandate of the Panel was subsequently extended by resolutions 1632 (2005), 1727 (2006), 1761 (2007) and 1782 (2007) and re-established by resolution 1643 (2005).

Measures imposed against the Democratic People's Republic of Korea

By resolution 1718 (2006) of 14 October 2006, in response to the nuclear test proclaimed by the Democratic People's Republic of Korea on 9 October 2006, the Council, acting under Chapter VII of the Charter, and taking measures under its Article 41, imposed an embargo on heavy weapons, weapons of mass destruction and ballistic missiles, and luxury goods; an export ban, by which the Democratic People's Republic of Korea had to cease the export of weapons of mass destruction, ballistic missiles and heavy weapons; an asset freeze, directed at persons or entities designated by the Committee established by the resolution or by the Council as being engaged in the weapons of mass destruction-related and ballistic missiles-related programmes; and a travel ban.²²⁸ The Council affirmed

²²⁵ Resolution 1643 (2005), seventh and ninth preambular paragraphs.

²²⁶ *Ibid.*, para. 6. The embargo was renewed by resolutions 1727 (2006), para. 1, and 1782 (2007), para. 1.

²²⁷ Resolution 1584 (2005), paras. 2 and 7.

²²⁸ Resolution 1718 (2006), para. 8. By paras. 9 and 10 of the resolution, the Council also decided that the asset freeze would not apply to financial resources deemed by relevant States to be necessary for basic expenses, including payment for foodstuffs, as well as for extraordinary expenses approved by the Committee, and to funds which were the subject of a judicial, administrative or arbitral lien or judgement; and decided that the travel ban would not apply to cases in which the Committee determined that the travel was justified.

that it would keep the actions of the Democratic People's Republic of Korea under continuous review and that it would be prepared to reassess the appropriateness of the measures, including the strengthening, modification, suspension, or lifting of the measures.²²⁹

Measures imposed against the Democratic Republic of the Congo

Establishment of a Committee and a Group of Experts. By resolution 1533 (2004) of 12 March 2004, the Council established a Committee to monitor the implementation and violations of the arms embargo imposed by resolution 1493 (2003).²³⁰ The Council also established a Group of Experts tasked to collect and examine information on the flows of arms and related materiel.²³¹ The Council authorized the United Nations Mission in the Democratic Republic of the Congo to seize or collect, as appropriate, the arms and any related materiel whose presence violated the arms embargo.²³²

Renewal and modification of measures. By resolution 1552 (2004) of 27 July 2004, the Council decided to renew until 31 July 2005 the arms embargo imposed by resolution 1493 (2003), in the light of the failure by the parties to comply with the Council's demands.²³³ By resolution 1596 (2005) of 18 April 2005, the Council decided to amend and expand the

²²⁹ Resolution 1718 (2006), para. 15.

²³⁰ Resolution 1533 (2004), para. 8. By resolution 1493 (2003) of 28 July 2003, the Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not parties to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo.

²³¹ Resolution 1533 (2004), para. 10. The Group of Experts was subsequently re-established by resolutions 1552 (2004), para. 5, 1596 (2005), para. 21, 1616 (2005), para. 4, and 1654 (2006), para. 1. By resolution 1698 (2006) of 31 July 2006, the Council extended the mandate of the Group of Experts, requesting it to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups in the eastern part of the Democratic Republic of the Congo.

²³² Resolution 1533 (2004), para. 4.

²³³ Resolution 1552 (2004), para. 2. By resolution 1616 (2005) of 29 July 2005, the Council renewed the arms embargo established by resolution 1493 (2003), as amended and expanded by resolution 1596 (2005), as well as the travel ban and the asset freeze, as modified by the latter resolution.

arms embargo, applying the measure to any recipient of arms in the territory of the Democratic Republic of the Congo.²³⁴ The Council also modified the travel ban and the asset freeze, which would apply for the period of the arms embargo to all persons designated by the Committee as acting in violation of the measures established by the Council.²³⁵ By resolution 1649 (2005) of 21 December 2005, the Council deplored the fact that foreign armed groups present in the eastern part of the Democratic Republic of the Congo had not yet laid down their arms, and demanded that all such groups engage voluntarily and without any delay or preconditions in their disarmament and in their repatriation and resettlement.²³⁶ To this end, the Council decided that, for a period expiring on 31 July 2006, the travel and financial restrictions imposed by resolution 1493 (2003), and modified by resolution 1596 (2005), would extend to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo and to political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo and impeding the disarmament and reintegration of combatants.²³⁷ By resolution 1698 (2006) of 31 July 2006, reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, the Council renewed the arms embargo and the travel and financial restrictions for a period of 12 months.²³⁸ The Council also extended the travel ban and the asset freeze to political and military leaders recruiting or using children in armed conflict and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict.²³⁹

²³⁴ Resolution 1596 (2005), para. 1. By para. 2 of the resolution, the Council established exemptions to the arms embargo.

²³⁵ Resolution 1596 (2005), paras. 13 and 15. The Council also provided exemptions to these measures (paras. 14 and 16 of the resolution).

²³⁶ Resolution 1649 (2005), para. 1.

²³⁷ *Ibid.*, para. 2. By para. 3 of the resolution, the Council established exemptions to the travel ban and asset freeze.

²³⁸ Resolution 1698 (2006), fourth preambular paragraph and para. 2. By resolution 1768 (2007) of 31 July 2007, the Council extended the arms embargo as well as the travel and financial restrictions until 10 August 2007.

²³⁹ Resolution 1698 (2006), para. 13.

Measures imposed against Iraq

Exemptions. By resolution 1546 (2004) of 8 June 2004, the Council decided that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions should not apply to arms or related materiel required by the Government of Iraq or the multinational force.²⁴⁰

Measures imposed against the Islamic Republic of Iran

By resolution 1737 (2006) of 23 December 2006, “concerned by the proliferation risks presented by the Iranian nuclear programme” and by the Islamic Republic of Iran’s “continuing failure to meet the requirements” of the International Atomic Energy Agency (IAEA), the Council, acting under Article 41 of Chapter VII of the Charter of the United Nations, imposed a number of measures against the Islamic Republic of Iran. The measures adopted by the Council included a proliferation-sensitive nuclear and ballistic missile programmes-related embargo; an export ban on arms and related materiel from the Islamic Republic of Iran; and targeted sanctions, namely a travel ban, a travel notification requirement, and an asset freeze, on designated persons and entities.²⁴¹ The Council established a Committee to monitor the implementation and violations of these measures.²⁴²

By resolution 1747 (2007) of 24 March 2007 acting under Article 41 of Chapter VII of the Charter, the Council reiterated the travel ban established by resolution 1737 (2006), applicable to the persons listed in the annex to the resolution and to persons designated by the Committee or the Council. The Council also imposed an arms embargo on the Islamic Republic of Iran, under which the country was prohibited from supplying, selling or transferring any arms or related materiel, and no States could procure from or sell to it such items. The Council called upon all States to exercise vigilance and restraint in the provision of heavy weapons and related services to the Islamic Republic of Iran, and called upon all States and international financial institutions not to enter into new commitments

²⁴⁰ Resolution 1546 (2004), para. 21.

²⁴¹ Resolution 1737 (2006), ninth preambular paragraph and paras. 3-7, 10, 12 and 17. By paras. 9 and 13 of the resolution, the Council also decided on exemptions from the nuclear-related embargo and asset freeze.

²⁴² Resolution 1737 (2006), para. 18.

for grants, financial assistance, and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and developmental purposes.²⁴³ The Council affirmed that it would review actions taken by the Islamic Republic of Iran in the light of the report it had requested of IAEA, and that it would suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspended all enrichment-related and reprocessing activities, including research and development, as verified by IAEA; terminate the measures imposed by resolutions 1737 (2006) and 1747 (2007) as soon as it determined, based on the report of IAEA, that the Islamic Republic of Iran had fully complied with its obligations; and in the event that the report showed that the Islamic Republic of Iran had not complied with resolutions 1737 (2006) and 1747 (2007), adopt further appropriate measures under Article 41 of Chapter VII of the Charter.²⁴⁴

Measures imposed against Liberia

By resolution 1532 (2004) of 12 March 2004, the Council decided that all States should freeze without delay funds, financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewell Howard Taylor and Charles Taylor Jr., senior officials of the former Taylor regime, or other close allies or associates, as designated by the Committee established pursuant to resolution 1521 (2003), in order to prevent those individuals from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion.²⁴⁵

By resolution 1579 (2004) of 21 December 2004, the Council decided to renew the measures imposed by resolution 1521 (2003). Specifically, the Council renewed the arms embargo, travel ban, and restrictions imposed on timber acquisition for a period of 12 months, and the measures on diamonds for a period

of six months.²⁴⁶ The Council renewed such measures by several subsequent resolutions.²⁴⁷

Re-establishment of a Panel of Experts. By resolution 1549 (2004) of 17 June 2004, the Council decided to re-establish the Panel of Experts, appointed pursuant to resolution 1521 (2003), for the period from 30 June to 21 December 2004, to assess the implementation, enforcement and impact of the measures imposed by resolutions 1521 (2003) and 1532 (2004) in Liberia and the neighbouring States.²⁴⁸

Exemptions. By resolution 1683 (2006) of 13 June 2006, the Council, recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, decided to introduce exemptions to the arms embargo imposed by resolution 1521 (2003). In particular, the Council decided that the measures should not apply to weapons and ammunition already provided to members of the Special Security Service for training purposes; and limited supplies of weapons and ammunition intended for use by members of the Government of Liberia police and security forces who had been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.²⁴⁹ By resolution 1688 (2006) of 16 June 2006, welcoming the willingness of the Government of the Netherlands to host the Special Court for the detention and trial of former President Taylor, the Council exempted the former President and any witnesses required at the trial from the travel ban

²⁴³ Resolution 1747 (2007), paras. 2, 5, 6 and 7.

²⁴⁴ *Ibid.*, para. 13.

²⁴⁵ Resolution 1532 (2004), para. 1. By para. 2 of the resolution, the Council established exemptions to the asset freeze, which applied to funds necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment; necessary for extraordinary expenses; or the subject of a judicial, administrative or arbitral lien or judgement.

²⁴⁶ Resolution 1579 (2004), para. 1.

²⁴⁷ By resolution 1607 (2005), para. 1, the Council renewed the measures on diamonds for a further period of six months. By resolution 1647 (2005), para. 1, the Council renewed the measures related to arms and travel imposed by resolution 1521 (2003) for a period of 12 months, and renewed the measures on diamond and timber imposed by resolution 1521 (2003) for a further period of six months. By resolutions 1689 (2006) (para. 4) and 1731 (2006) (para. 1 (c)), the Council renewed the interdiction on States to import directly or indirectly rough diamonds from Liberia. The arms embargo was renewed by resolutions 1731 (2006), para. 1 (a), and 1792 (2007), para. 1 (a). The travel ban was renewed by resolutions 1731 (2006), para. 1 (a), and 1792 (2007), para. 1 (a).

²⁴⁸ Resolution 1549 (2004), para. 1. The Council decided to re-establish the Panel of Experts by its resolutions 1579 (2004), para. 8, 1607 (2005), para. 14, 1647 (2005), para. 9, and 1760 (2007), para. 1. The mandate of the Panel was renewed by resolutions 1689 (2006), para. 5, 1731 (2006), para. 4, and 1792 (2007), para. 5.

²⁴⁹ Resolution 1683 (2006), paras. 1 and 2.

imposed by resolution 1521 (2003) for any travel related to his trial before the Special Court as well as any travel related to the execution of the judgment.²⁵⁰ By resolution 1731 (2006) of 20 December 2006, the Council decided that the arms embargo imposed by resolution 1521 (2003) should not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the sanctions Committee, intended solely for use by members of the Government of Liberia police and security forces who had been vetted and trained since the inception of UNMIL in October 2003.²⁵¹

Termination. By resolution 1689 (2006) of 20 June 2006, the Council decided not to renew the interdiction on Member States set by resolution 1521 (2003), by which Member States were obligated to prevent the import into their territories of all round log and timber products originating in Liberia.²⁵² By resolution 1753 (2007) of 27 April 2007, having reviewed the measures imposed and conditions set out by resolution 1521 (2003) and concluding that sufficient progress had been made towards meeting those conditions, the Council decided to terminate the diamond measures imposed by resolution 1521 (2003) and renewed by resolution 1731 (2006).²⁵³

Measures imposed against Osama bin Laden, members of Al-Qaida and the Taliban and other individuals or groups associated with them

Strengthening of measures. By resolutions 1526 (2004), 1617 (2005) and 1735 (2006), the Council decided to strengthen the sanctions regime imposed against Osama bin Laden, the members of Al-Qaida and the Taliban, and other individuals or entities associated with them by resolutions 1267 (1999), 1333

²⁵⁰ Resolution 1688 (2006), para. 9.

²⁵¹ Resolution 1731 (2006), para. 1.

²⁵² Resolution 1689 (2006), para. 1.

²⁵³ Resolution 1753 (2007), para. 1.

(2000) and 1390 (2002). The measures included an asset freeze, a travel ban and an arms embargo.²⁵⁴

Strengthening of the Committee's mandate and establishment of a Monitoring Team. By resolution 1526 (2004) of 30 January 2004, the Council decided to strengthen the mandate of the Committee established pursuant to resolution 1267 (1999) to include, in addition to the oversight of the implementation of the above-mentioned measures by States, a central role in assessing information for review by the Council regarding the effective implementation of the measures, as well as in recommending improvements to the measures.²⁵⁵ The Council decided to establish a Monitoring Team to assist the Committee in the fulfilment of its mandate.²⁵⁶ By resolution 1735 (2006) of 22 December 2006, the Council decided that the Committee would consider submissions from States concerning exemptions to the travel ban where entry or transit was necessary for the fulfilment of a judicial process or the Committee determined on a case-by-case basis only that entry or transit was justified. In addition, the Council decided to extend the period for consideration by the Committee of exemption requests concerning the asset freeze established by resolutions 1267 (1999) and 1390 (2002), from 48 hours, as set out by resolution 1452 (2002), to three working days.²⁵⁷

Measures imposed against Rwanda

Termination. By resolution 1749 (2007) of 28 March 2007, the Council took note of the letter dated 2 March 2007 from the representative of Rwanda to the President of the Security Council requesting the

²⁵⁴ Resolutions 1526 (2004), para. 1, 1617 (2005), para. 1, and 1735 (2006), para. 1. By para. 2 of resolution 1617 (2005) of 29 July 2005, the Council decided that acts and activities indicating that an individual or entity was associated with Al-Qaida, Osama bin Laden or the Taliban, and thus also subject to the sanctions measures, included participation in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling, or transferring arms and related materiel to; recruiting for; or otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof.

²⁵⁵ Resolution 1526 (2004), para. 2.

²⁵⁶ *Ibid.*, para. 6. The Council decided to extend the mandate of the Monitoring Team by resolutions 1617 (2005), para. 19, and 1735 (2006), para. 32.

²⁵⁷ Resolution 1735 (2006), paras. 1 and 15.

termination of the measures imposed by paragraph 11 of resolution 1011 (1995).²⁵⁸ Welcoming the positive developments in Rwanda and the Great Lakes region, particularly the signing of the Pact on Security, Stability and Development in the Great Lakes Region on 15 December 2006, the Council decided to terminate, with immediate effect, the arms embargo imposed by resolution 1011 (1995).²⁵⁹

Measures imposed against Sierra Leone

Exemptions. By resolution 1793 (2007) of 21 December 2007, reiterating its appreciation for the work of the Special Court for Sierra Leone and its vital contribution to reconciliation and the rule of law in Sierra Leone and the subregion, the Council decided to exempt from the travel ban imposed by resolution 1171 (1998) the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone was required.²⁶⁰

Measures imposed against Somalia

Establishment of a Monitoring Group. By resolution 1558 (2004) of 17 August 2004, the Council, condemning the continued flow of weapons and ammunition supplies to and through Somalia, in contravention of the arms embargo, and reiterating the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation of violations, requested the Secretary-General to re-establish, for a period of six months, the Monitoring Group initially established by resolution 1519 (2003).²⁶¹

Exemptions. By resolution 1725 (2006) of 6 December 2006, the Council decided that the arms embargo imposed by resolution 733 (1992) and further elaborated by resolution 1425 (2002) should not apply

to supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the protection and training mission established by the Intergovernmental Authority on Development and States members of the African Union.²⁶² By resolution 1744 (2007) of 20 February 2007, the Council further extended the exemptions to the arms embargo, which would not apply to supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by the mission established by the States members of the African Union; and supplies and technical assistance by States intended solely for the purpose of helping develop security sector institutions.²⁶³

Measures imposed against the Sudan

By resolution 1556 (2004) of 30 July 2004, the Council, expressing concern at reports of violations of the ceasefire agreement signed in N'Djamena on 8 April 2004, imposed an arms embargo against all non-governmental entities and individuals, including the Janjaweed, operating in the States of Northern Darfur, Southern Darfur and Western Darfur.²⁶⁴

By resolution 1591 (2005) of 29 March 2005, the Council strongly deplored the failure of the Government of the Sudan and of all other armed groups in Darfur to comply fully with the Council's previous resolutions, and condemned the continued violations of the N'Djamena ceasefire agreement and the Abuja Protocols.²⁶⁵ The Council expanded the arms embargo established by resolution 1556 (2004) to include all the parties to the N'Djamena ceasefire agreement and any other belligerents in the States of Northern Darfur, Southern Darfur and Western

²⁵⁸ S/2007/121.

²⁵⁹ Resolution 1749 (2007), seventh preambular paragraph and para. 1.

²⁶⁰ Resolution 1793 (2007), ninth preambular paragraph and para. 8. By resolution 1171 (1998), the Council had imposed a travel ban against members of the former military junta and of the Revolutionary United Front.

²⁶¹ Resolution 1558 (2004), para. 3. The mandate of the Monitoring Group was subsequently re-established by resolutions 1587 (2005), para. 3, 1630 (2005), para. 3, 1676 (2006), para. 3, and 1724 (2006), para. 3. By resolution 1766 (2007), para. 3, the Council extended the mandate of the Monitoring Group for a further period of six months.

²⁶² Resolution 1725 (2006), para. 5.

²⁶³ Resolution 1744 (2007), para. 6. This exemption was reiterated in resolution 1772 (2007), para. 11.

²⁶⁴ Resolution 1556 (2004), paras. 7 and 8. By para. 9 of the same resolution, the Council decided that the arms embargo would not apply to supplies and related technical training and assistance to monitoring, verification or peace support operations; supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance; and supplies of protective clothing, for the personal use of United Nations personnel, human rights monitors, representatives of the media, and humanitarian and development workers and associated personnel.

²⁶⁵ Resolution 1591 (2005), para. 1.

Darfur.²⁶⁶ The Council imposed an asset freeze and a travel ban against individuals who impeded the peace process, constituted a threat to stability in Darfur and the region, committed violations of international human rights law, or violated the sanctions imposed against the Sudan.²⁶⁷ By resolution 1672 (2006) of 25 April 2006, the Council decided that the travel ban and asset freeze would apply to four designated individuals.²⁶⁸

Establishment of a Committee and a Panel of Experts. By resolution 1591 (2005), to monitor the implementation of the measures, the Council established a Committee and a Panel of Experts to assist the Committee.²⁶⁹

*Measures imposed pursuant to resolution
1636 (2005)*

By resolution 1636 (2005) of 31 October 2005, the Council took note with concern, of the conclusion of the International Independent Investigation Commission that there was evidence pointing at the involvement of both Lebanese and Syrian officials in the terrorist bombing in Beirut on 14 February 2005 that killed, among others, the former Prime Minister of Lebanon, Rafiq Hariri. Moreover, the Commission concluded that it was difficult to envisage a scenario whereby such a complex assassination could have been carried out without the knowledge of Lebanese and Syrian officials. Consequently, the Council decided to impose a travel ban and an asset freeze against all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in planning, sponsoring or organizing that terrorist

act.²⁷⁰ The Council also established a Security Council Committee to monitor the enforcement of the measures.²⁷¹

Judicial measures relating to Article 41

This subsection consists of the decisions adopted during the period under review by which the Council imposed judicial measures intended to prevent the aggravation of a situation that posed a threat to international peace and security. Specifically, acting under Chapter VII of the Charter, the Council authorized the establishment of a Special Tribunal for Lebanon, referred the situation in Darfur to the Prosecutor of the International Criminal Court, and endorsed the intention of the President of the Special Court for Sierra Leone to authorize a Trial Chamber in the Netherlands for the trial of former President Taylor.

The situation in the Middle East

By resolution 1644 (2005) of 15 December 2005, reaffirming its condemnation of the terrorist bombings of 14 February 2005 that resulted in the death of the former Prime Minister of Lebanon, Rafiq Hariri, and reiterating that those involved in the attack had to be held accountable for their crimes, the Council acknowledged the request of the Government of Lebanon that those eventually charged with involvement in the attack be tried by a tribunal of an international character, and requested the Secretary-General to help the Government of Lebanon to identify the nature and scope of the international assistance needed in that regard.²⁷²

²⁶⁶ Ibid., para. 7. By the same paragraph, the Council decided that the arms embargo would not apply to supplies and related technical training and assistance; assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; and movements of military equipment and supplies into the Darfur region, approved in advance by the sanctions Committee.

²⁶⁷ Resolution 1591 (2005), para. 3 (c), (d) and (e). By paras. 3 (f), 3 (g) and 7 of the same resolution the Council also established exemptions to these measures.

²⁶⁸ Resolution 1672 (2006), para. 1.

²⁶⁹ Resolution 1591 (2005), para. 3 (a) and (b). The Council subsequently extended the mandate of the Panel of Experts by resolutions 1651 (2005), para. 1, 1665 (2005), para. 1, 1713 (2006), para. 1, and 1779 (2007), para. 1.

²⁷⁰ Resolution 1636 (2005), paras. 2 and 3 (a).

²⁷¹ Ibid., para. 3 (b). The Council further decided that the Committee should register individuals designated by the International Independent Investigation Commission as falling subject to the sanctions; approve exceptions to the travel ban and asset freeze on a case-by-case basis; register the removal of individuals from the scope of the travel ban and asset freeze measures in accordance with resolution 1636 (2005); and inform all Member States as to which individuals were subject to those measures (resolution 1636 (2005), annex; paras. 1-4).

²⁷² Resolution 1644 (2005), second preambular paragraph and para. 6. By resolution 1664 (2006) (para. 1), while not acting under Chapter VII of the Charter, the Council welcomed the report of the Secretary-General and requested him to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character.

By resolution 1757 (2007) of 30 May 2007, expressing its willingness to continue to assist Lebanon in holding those involved in the terrorist attack accountable, the Council, acting under Chapter VII of the Charter, decided that the agreement between the United Nations and the Government of Lebanon on the establishment of a Special Tribunal would enter into force on 10 June 2007.²⁷³

The situation in Sierra Leone

By resolution 1688 (2006) of 16 June 2006, noting that the presence of former President Taylor in the region constituted an impediment to stability and a threat to the peace of Liberia and Sierra Leone and to international peace and security in the region, the Council, acting under Chapter VII of the Charter, took note of the intention of the President of the Special Court for Sierra Leone to authorize a Trial Chamber to exercise its functions away from the seat of the Special Court, as well as his request to the Government of the Netherlands to host the trial, including any appeal. The Council also took note of the willingness of the International Criminal Court to allow the use of its premises for the detention and trial of former President Taylor by the Special Court, including any appeal. The Council requested all States to cooperate with the Special Court by, in particular, ensuring the appearance of the former President in the Netherlands for purposes of his trial, and encouraged all States to ensure that any evidence or witnesses were, upon request of the Special Court, promptly made available to the Court.²⁷⁴ The Council also requested the Secretary-General to assist in the conclusion of all necessary legal and practical arrangements, including for the transfer of former President Taylor to the Special Court in the Netherlands and for the provision of the necessary facilities for the conduct of the trial. The Council decided that the Special Court should retain exclusive jurisdiction over former President Taylor during his transfer to and presence in the Netherlands in respect of matters within the statute of the Special Court, and that the Government of the Netherlands should not exercise its jurisdiction over former President Taylor except by express agreement with the Special Court and facilitate the implementation of the

²⁷³ Resolution 1757 (2007), twelfth preambular paragraph and para. 1.

²⁷⁴ Resolution 1688 (2006), fourteenth preambular paragraph and paras. 1, 3, and 4.

decision of the Special Court to conduct the trial of former President Taylor in the Netherlands.²⁷⁵

Reports of the Secretary-General on the Sudan

By resolution 1593 (2005) of 31 March 2005, taking note of the report of the International Commission of Inquiry for Darfur on violations of international humanitarian law and human rights law in Darfur, the Council, acting under Chapter VII of the Charter, decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court. The Council also decided that the Government of the Sudan and all other parties in Darfur had to cooperate fully with and provide any necessary assistance to the Court and the Prosecutor and, while recognizing that States not parties to the Rome Statute had no obligation under the Statute, urged all States and concerned regional and other international organizations to cooperate fully.²⁷⁶

B. Discussion relating to Article 41

Discussion of thematic issues

Children and armed conflict

At its 4898th meeting, on 20 January 2004, the Council considered the latest report of the Secretary-General on children and armed conflict.²⁷⁷ In his report, the Secretary-General recommended that the Council take concrete steps where insufficient or no progress had been made by parties in accordance with its resolutions 1379 (2001) and 1460 (2003) which provided a comprehensive framework for addressing the protection of children affected by armed conflict. Such targeted and concrete measures could include the imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, a ban on the export or supply of small arms, a ban on military assistance, and restriction on the flow of financial resources to the parties concerned.²⁷⁸ During the debate, several speakers expressed their support for applying “justified”, “graduated” and “targeted” sanctions against parties

²⁷⁵ *Ibid.*, paras. 5, 7 and 8.

²⁷⁶ Resolution 1593 (2005), first preambular paragraph and paras. 1 and 2.

²⁷⁷ S/2003/1053.

²⁷⁸ In a subsequent report, the Secretary-General reiterated these recommendations (see S/2005/72, para. 57).

that failed to adopt measures aimed at ending violations against children in situations of armed conflict.²⁷⁹ The representative of Brazil noted that such measures should rely on precise information and be finely tuned, so as to avoid problems common to sanctions and the conditioning of assistance, which often delayed and even prevented the provision of humanitarian aid.²⁸⁰ The representative of Germany, while recognizing that targeted measures were a highly complex and “politically charged” issue, said that the Council should not continue to treat it as a “taboo subject” or it would never be able to find the right solution.²⁸¹

At its 5129th meeting, on 23 February 2005, the Council considered the latest report of the Secretary-General on children and armed conflict,²⁸² including his recommendations regarding the imposition of “targeted and concrete” measures where insufficient or no progress had been made by the parties recruiting or using children in situations of armed conflict. Recalling resolution 1539 (2004), a number of speakers supported the use of targeted measures against the parties to an armed conflict identified in the list submitted by the Secretary-General to the Council.²⁸³ While welcoming the effective monitoring and reporting of violations against children, the representative of the United States expressed concern about the possible unanticipated policy and resource implications of the “proposed new thematic sanctions committee”.²⁸⁴ The representative of India held that the Council could impose sanctions under Article 41 only if it had established, under Article 39, that there was a sufficient danger to international peace and security to justify them.²⁸⁵ The representative of Canada suggested that sanctions should be coupled with the establishment of base indicators and standards, and

called for an adequate monitoring and enforcement mechanism to be put in place.²⁸⁶ The representative of Liechtenstein, echoed by the representative of Norway, considered it crucial that measures be tailored to their respective targets in all situations.²⁸⁷

At its 5494th meeting, on 24 July 2006, a number of speakers reiterated the belief that it was necessary to impose sanctions against those who were responsible for the most flagrant violations of the human rights of children in conflict situations.²⁸⁸

At the 5573rd meeting, on 28 November 2006, the representative of China reiterated his position against frequent resort to sanctions or threats of sanctions, and asserted that caution was especially necessary with regard to the question of children and armed conflict. He noted that every conflict was different and that there could be no generalizations or “one-size-fits-all” approach. Instead, he opined, the Council should work with the countries concerned and support their efforts to protect children.²⁸⁹ In contrast, a number of speakers called on the Council to reaffirm its willingness to use all the tools at its disposal and not shy away from more difficult measures, such as sanctions, if the gravity of the situation called for them.²⁹⁰

General issues relating to sanctions

At its 5599th meeting, on 19 December 2006, the Council adopted resolution 1730 (2006), by which it approved a new delisting procedure aimed at ensuring that fair and clear procedures existed for placing individuals and entities on sanctions lists and for removing them, as well as granting humanitarian exemptions. During the debate, the representatives of Greece and Denmark expressed the view that the newly adopted resolution enhanced the effectiveness and credibility of the relevant sanctions regimes.²⁹¹ The representative of France stated that, in the light of the development of sanctions regimes aimed at individuals or entities, rather than countries, the inadequacy of

²⁷⁹ S/PV.4898, p. 8 (Brazil); p. 9 (Algeria); p. 11 (Angola); and p. 24 (Germany); S/PV.4898 (Resumption 1), p. 5 (Ireland, on behalf of the European Union and associated countries); p. 8 (Sierra Leone); p. 19 (Fiji); p. 24 (Monaco); p. 26 (Azerbaijan); and p. 28 (Liechtenstein).

²⁸⁰ S/PV.4898, p. 8.

²⁸¹ *Ibid.*, p. 24.

²⁸² S/2005/72.

²⁸³ S/PV.5129, p. 13 (France); p. 14 (Romania); pp. 20-21 (Greece); and pp. 23-24 (Denmark); S/PV.5129 (Resumption 1), pp. 3-4 (Luxembourg, on behalf of the European Union and associated countries); p. 7 (Iceland); p. 9 (Canada); and p. 23 (Mali).

²⁸⁴ S/PV.5129, pp. 22-23.

²⁸⁵ S/PV.5129 (Resumption 1), p. 11.

²⁸⁶ *Ibid.*, p. 9.

²⁸⁷ *Ibid.*, p. 10 (Liechtenstein); and p. 15 (Norway).

²⁸⁸ S/PV.5494, p. 10 (Finland, on behalf of the European Union and associated countries); p. 15 (Argentina); p. 26 (Denmark); p. 28 (France); pp. 29-30 (Canada); and p. 31 (Sri Lanka); S/PV.5494 (Resumption 1), p. 17 (Benin).

²⁸⁹ S/PV.5573, p. 12.

²⁹⁰ *Ibid.*, p. 14 (Denmark); p. 19 (Argentina); and p. 24 (United Republic of Tanzania).

²⁹¹ S/PV.5599, pp. 2-3 (Denmark); and p. 3 (Greece).

delisting procedures had gradually become apparent. He pointed out that the efficacy of sanctions had been impaired by the perception that the delisting procedure was “opaque and inaccessible”. He therefore expressed the hope that the new procedure, while facilitating requests for delisting, would strengthen the support of States for the sanctions regimes, and, therefore, guarantee the effectiveness of targeted sanctions.²⁹² The representative of Qatar expressed the hope that the Council could further improve procedures on delisting from sanctions. Although he had voted in favour of the resolution, he expressed concern that it failed to respect many legal norms and standards that should be respected and applied by both the Council and its sanctions committees in the delisting of individuals. He argued that the focal point established by the Council lacked “independence, neutrality, standards or controls for delisting”. He further regretted that the resolution did not allow legal representatives of listed persons to petition for delisting, particularly since some of the listed persons were deceased.²⁹³

Maintenance of international peace and security

At its 5705th meeting, on 25 June 2007, the Council held an open debate on the role played by natural resources in conflict situations. Referring to the existing sanctions related to natural resources, several speakers said that, in spite of the progress made, there was more room for improving the effectiveness of the sanctions regimes.²⁹⁴ While acknowledging that sanctions measures against those who exploited natural resources in conflict areas could be an important tool for the Council to prevent, intervene in and stop conflicts, a number of representatives believed that sanctions should be used with great prudence, given their possible negative humanitarian impact.²⁹⁵ They underlined the importance of improving the mechanisms for the lifting of sanctions. The representative of France, reinforced by the representative of Germany, expressed the belief that the effectiveness of sanctions had to be improved in order for sanctions to play a more important role in

bringing conflicts to an end.²⁹⁶ Similarly, the representative of Peru stated that sanctions regimes had to be made more effective and expert groups had to be encouraged to consider the lessons learned, make use of them, and, when necessary, propose modifications to the mandates of peacekeeping operations or to sanctions regimes.²⁹⁷

The representative of Italy supported the view that, whenever commodity sanctions were in place, peacekeeping operations should be given an appropriate mandate to assist the Government concerned to prevent the illegal exploitation of natural resources from further fuelling the conflict.²⁹⁸ The representative of Switzerland, referring to the various sources used by armed groups to finance their activities, stressed that the Council had to be prepared to react swiftly to changes in the way in which armed groups obtained revenue. Stressing that the link between conflict and natural resources generally arose in States with weak institutions, he said that sanctions should include a comprehensive strategy to fight corruption, rebuild institutions, re-establish the rule of law, and diversify the economy.²⁹⁹ The representative of the Congo, echoed by the representatives of Ghana and Senegal, said that to ensure the credibility of sanctions regimes transnational corporations should not be treated more leniently than local leaders when it came to “economic abuses and crimes”.³⁰⁰ The representative of Pakistan noted that the Council’s approach of utilizing sanctions to control arms trafficking and natural resource exploitation had proved, unfortunately, to be “too narrow and, at times, inappropriate in responding to various situations”. He suggested using more extensive measures, including border controls and wider monitoring.³⁰¹ In contrast, the representative of Indonesia, recognizing that the fierce competition for possession of valuable natural resources fuelled armed conflicts, asserted that the Council should acknowledge limitations to its power and not be tempted to become involved in the area of conflict prevention. He believed that imposing

²⁹² Ibid., p. 2.

²⁹³ Ibid., pp. 3-4.

²⁹⁴ S/PV.5705, p. 10 (Panama); p. 14 (South Africa); p. 21 (Slovakia); p. 25 (Germany, on behalf of the European Union and associated countries); and p. 26 (Switzerland).

²⁹⁵ Ibid., p. 14 (South Africa); pp. 17-18 (China); p. 21 (Slovakia); and p. 23 (Russian Federation).

²⁹⁶ Ibid. p. 15 (France); and pp. 24-25 (Germany, on behalf of the European Union and associated countries).

²⁹⁷ Ibid., p. 17.

²⁹⁸ Ibid., p. 20.

²⁹⁹ Ibid., p. 26.

³⁰⁰ Ibid., p. 12 (Congo); p. 13 (Ghana); and p. 29 (Senegal).

³⁰¹ S/PV.5705 (Resumption 1), p. 7.

sanctions or authorizing military action would not solve the underlying problems of conflicts.³⁰²

A number of speakers supported the view that sanctions should be reversed once they had achieved their intended purpose.³⁰³ The representative of Liechtenstein noted that previous sanctions imposed by the Council with respect to certain commodities had contributed to conflict resolution in Angola, Liberia and Sierra Leone. He said that such sanctions had to be tailored to the circumstances of each individual case with clearly identified objectives, specified measures for implementation by Member States, and conditions for their suspension or lifting.³⁰⁴

Protection of civilians in armed conflict

At its 4990th meeting, on 14 June 2004, the Council considered the latest report of the Secretary-General on the protection of civilians in armed conflict.³⁰⁵ In his report, the Secretary-General declared that more serious consideration should be given to the imposition of travel restrictions and targeted sanctions against armed groups that blatantly violated international humanitarian law and prevented humanitarian access to populations in need. In the ensuing debate, the representative of Angola declared that the responsibility to respond to the need to protect civilians implied also making effective use of sanctions and international prosecution.³⁰⁶ The representative of Germany, while recognizing the contentious nature of the issue, stressed that national sovereignty could not be used as an excuse when the lives of civilians were threatened. He therefore proposed considering targeted sanctions and travel restrictions as possible measures against non-State armed groups and those backing them.³⁰⁷

At the 5100th meeting, on 14 December 2004, the representative of Benin noted that the Council could take measures that would increase the penalties for violators of international humanitarian law and human rights. For such individuals, he opined, sanctions could act as a deterrent. He said that activities such as blocking access to populations who needed humanitarian assistance and attacks on humanitarian

staff should be included among the acts that triggered the imposition of international sanctions.³⁰⁸ The representative of Switzerland, while acknowledging that in recent years significant progress had been achieved in defining sanctions that were more effectively targeted, thus minimizing their negative impact on civilian populations, said that further efforts were still required.³⁰⁹ The representative of Canada stated that the Council still needed to strengthen its enforcement and monitoring mechanisms for arms embargoes and targeted sanctions.³¹⁰

At the 5319th meeting, on 9 December 2005, the representative of Iraq, referring to the proposals made by the Secretary-General in his report on how to deal with States and groups that had failed to discharge their duties to protect civilians,³¹¹ cautioned that when imposing economic sanctions the Council had to ensure that they did not negatively affect the most vulnerable in society, including children.³¹² The representative of Egypt also voiced concern over the idea of imposing targeted sanctions against States that were preventing or blocking humanitarian access, as recommended by the Secretary-General. He suggested that such situations should be dealt with by means of cooperation with the Member State concerned, using all measures, including the provisions of Chapters VI and VIII of the Charter, but not by imposing sanctions under Chapter VII.³¹³

At the 5476th meeting, on 28 June 2006, the representatives of Greece, Denmark and Canada called on the Council to use targeted sanctions as part of a holistic strategy supporting peace agreements and deterring attacks on civilians.³¹⁴

At the 5577th meeting, on 4 December 2006, the representative of France, referring to the increasing number of casualties among journalists and media professionals in recent years, called on the Council to send a clear message to all parties to a conflict to remind them of their obligations to prevent any violence against journalists and of potential investigations and sanctions if they failed to do so.³¹⁵ The representative of

³⁰² S/PV.5705, p. 8.

³⁰³ Ibid., p. 13 (Ghana); p. 14 (South Africa); and p. 23 (Russian Federation).

³⁰⁴ S/PV.5705 (Resumption 1), p. 5.

³⁰⁵ S/2004/431.

³⁰⁶ S/PV.4990, p. 13.

³⁰⁷ Ibid., p. 25.

³⁰⁸ S/PV.5100, p. 22.

³⁰⁹ S/PV.5100 (Resumption 1), p. 9.

³¹⁰ Ibid., pp. 3-5.

³¹¹ S/2005/740.

³¹² S/PV.5319, p. 21.

³¹³ S/PV.5319 (Resumption 1), p. 6.

³¹⁴ S/PV.5476, p. 20 (Greece); p. 22 (Denmark); and p. 28 (Canada).

³¹⁵ S/PV.5577, p. 13.

Denmark, echoed by the representative of Canada, stressed that the Council should make use of targeted sanctions to deter attacks against civilians, including humanitarian workers, workers for non-governmental organizations, and journalists. He believed that the Council had to overcome its reluctance to fully use those tools if it seriously wished to move the “protection agenda” forward.³¹⁶

At the 5781st meeting, on 20 November 2007, the representative of the United Kingdom, echoed by the representatives of Canada and Norway, expressed the view that the international community had not only a right to act but a responsibility to do so, in those exceptional cases when States could not or would not protect civilians from the gravest abuses of their human rights. As possible actions, he referred to targeted sanctions, as well as direct intervention to protect civilians, stressing that the latter should always be proportionate and carefully chosen.³¹⁷

Small arms

At its 4896th meeting, on 19 January 2004, the Council considered the latest report of the Secretary-General on small arms.³¹⁸ During the debate, several speakers supported the Secretary-General’s recommendations to establish monitoring mechanisms to oversee the enforcement of sanctions and to consider coercive measures against Member States that deliberately violated arms embargoes.³¹⁹ A number of representatives shared the view that the Council should adopt effective and practical enforcement strategies for arms embargoes, for targeted sanctions, and for restricting the supply of ammunition to areas of

instability.³²⁰ The representative of Egypt proposed, as a first step, the publication of the names of institutions or countries that were violating arms embargoes.³²¹ The representative of the Republic of Korea was of the view that sanctions committees, under the guidance of the Council, could act as a monitoring mechanism.³²² That view was not shared by the representative of Costa Rica, who believed that the sanctions committees were political bodies that lacked the technical capacity to carry out genuine verification work. He proposed the establishment of a mechanism within the Secretariat to proactively monitor the implementation of arms embargoes and to serve as technical support for the work of the sanctions committees.³²³

At its 5127th meeting, on 17 February 2005, the Council considered the impact of illicit trafficking of small arms and light weapons on conflict situations based on the Secretary-General’s most recent report on small arms.³²⁴ During the debate, a number of speakers reiterated the need to further strengthen the effectiveness and enforcement of arms embargoes imposed by the Council.³²⁵ The representative of the Russian Federation said that the main priority continued to be monitoring the level of compliance with the Council’s embargoes on the delivery of weapons and enhancing the effectiveness of monitoring mechanisms to investigate cases of embargo violations.³²⁶ The representative of Luxembourg supported the establishment of monitoring mechanisms to detect violations of arms embargoes.³²⁷ Similarly, the representative of Senegal called for a “clear mechanism” to detect violations and punish violators

³¹⁶ S/PV.5577 (Resumption 1), p. 3 (Denmark); and p. 16 (Canada).

³¹⁷ S/PV.5781, p. 11 (United Kingdom); S/PV.5781 (Resumption 1), p. 15 (Canada); and p. 17 (Norway).

³¹⁸ S/2003/1217.

³¹⁹ S/PV. 4896, p. 4 (Romania); pp. 8-9 (Russian Federation); pp. 9-10 (Benin); pp. 11-13 (Spain); pp. 15-16 (China); pp. 16-17 (Angola); pp. 20-21 (Ireland, on behalf of the European Union and associated countries); pp. 24-25 (Republic of Korea); and pp. 28-29 (South Africa); S/PV.4896 (Resumption 1), pp. 2-3 (New Zealand); pp. 4-5 (Peru); pp. 6-7 (Canada); pp. 7-9 (Zimbabwe); pp. 9-10 (India); pp. 10-12 (Indonesia); and pp. 13-15 (Mali).

³²⁰ S/PV.4896, pp. 7-8 (Philippines); pp. 9-10 (Benin); pp. 18-19 (Algeria); and pp. 19-20 (Chile); S/PV.4896 (Resumption 1), pp. 12-13 (Sierra Leone).

³²¹ S/PV.4896, p. 23.

³²² *Ibid.*, p. 24.

³²³ S/PV.4896 (Resumption 1), p. 16. At the 5127th meeting, on 17 February 2005, the representative of Costa Rica reiterated his conviction that sanctions committees were political bodies that lacked the technical capacity for genuine verification (see S/PV. 5127 (Resumption 1), p. 15).

³²⁴ S/2005/69.

³²⁵ S/PV.5127, pp. 8-9 (Romania); pp. 17-18 (Denmark); pp. 19-20 (Benin); p. 23 (Luxembourg, on behalf of the European Union and associated countries); and pp. 25-26 (Canada); S/PV.5127 (Resumption 1), p. 12 (Norway); and pp. 14-15 (Costa Rica).

³²⁶ S/PV.5127, p. 12.

³²⁷ *Ibid.*, p. 23.

of arms embargoes.³²⁸ The representative of Denmark opined that the follow-up to the recommendations of the panels of experts should be strengthened, for example, through stronger provisions for secondary sanctions on countries or individuals that violated sanctions regimes.³²⁹ Consideration of secondary measures against violators was supported also by the representatives of Benin, Ukraine and Egypt.³³⁰

At its 5390th meeting, on 20 March 2006, the Council considered another report of the Secretary-General on small arms.³³¹ Several speakers shared the view that peacekeeping missions and sanctions committees should be mandated to initiate small arms traces to assist States in identifying and pursuing those who violated arms embargoes.³³² The representatives of the Congo and Austria expressed the wish for the Council to adopt stronger measures, including with regard to the implementation and monitoring of targeted sanctions, in order to sever the link between the illicit trade in small arms and illegal exploitation of natural resources.³³³ The representative of Denmark said that Member States should be encouraged to bring their own legislation into line with the Council's measures and to take the required legal action against sanctions violators. He suggested that the Council, for its part, could employ targeted sanctions, such as travel bans against individuals or entities breaching embargoes.³³⁴ The representative of Sierra Leone, while commending the Council for establishing and mandating expert monitoring mechanisms for the effective implementation of sanctions, supported the view expressed by the Secretary-General that sanctions enforcement depended on the political will and relevant technical capacity of Member States. Referring to the Council's primary responsibility under the Charter for the maintenance of international peace and security, he opined that the Council should take the lead and assume a more proactive role in the collective

effort to combat the illicit trade and excessive accumulation of small arms.³³⁵

Threats to international peace and security caused by terrorist acts

At its 5104th meeting, on 17 December 2004, the Council was briefed on the work of the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities. During the subsequent debate, a number of speakers expressed the opinion that, while the significance of targeted sanctions as an instrument of counter-terrorism had progressively increased, the mechanisms to monitor compliance and facilitate the provision of technical assistance still needed to be improved.³³⁶ Several representatives expressed concern with regard to the current methods of listing and delisting individuals, complaining of lack of transparency and due process.³³⁷ Other speakers emphasized that enforcement measures needed to be combined with efforts to address the underlying causes of terrorism.³³⁸

At its 5446th meeting, on 30 May 2006, the Council heard briefings by the Chairmen of the three sanctions committees established, respectively, pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004). During the ensuing debate, a number of speakers, referring to the work of the Committee established pursuant to resolution 1267 (1999), said that there was a need to ensure fair and clear procedures for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.³³⁹ The representative of Qatar, underlining the need to move from comprehensive sanctions to targeted sanctions, stressed that such sanctions had to be imposed with a clear objective, and implemented "objectively, effectively and in a balanced number". Noting that the imposition of sanctions was not only a political tool but also a legal tool, he stressed that the

³²⁸ S/PV.5127 (Resumption 1), p. 5.

³²⁹ S/PV.5127, p. 18.

³³⁰ Ibid., p. 20 (Benin); p. 25 (Ukraine); and p. 31 (Egypt).

³³¹ S/2006/109.

³³² S/PV.5390, pp. 10-11 (Congo); and p. 18 (Denmark); S/PV.5390 (Resumption 1), p. 6 (Canada).

³³³ S/PV.5390, p. 12 (Congo); and p. 23 (Austria, on behalf of the European Union and associated countries).

³³⁴ Ibid., p. 18.

³³⁵ Ibid., pp. 27-28.

³³⁶ S/PV.5104, pp. 6-7 (France); p. 9 (Pakistan); and p. 13 (Russian Federation, Angola).

³³⁷ Ibid., pp. 5-6 (Romania); p. 8 (Germany); p. 9 (Pakistan); p. 12 (Spain); and pp. 16-17 (Brazil).

³³⁸ Ibid., p. 10 (Pakistan); and p. 11 (Philippines).

³³⁹ S/PV.5446, p. 10 (Greece); p. 13 (United Republic of Tanzania); p. 14 (Qatar); pp. 15-16 (Japan); p. 22 (France); p. 26 (Austria, on behalf of the European Union and associated countries); p. 28 (Switzerland); and pp. 30-31 (Liechtenstein).

Council had to take into consideration both the legal and human rights aspects when adopting sanctions.³⁴⁰ The representative of France affirmed that it was urgent to set up a mechanism that would make procedures simpler and would ensure that all delisting and exemption requests were received by the Committee and dealt with accordingly. To this end, he proposed that a focal point be set up within the Secretariat for the direct receipt from listed individuals of their requests for delisting or exemption.³⁴¹ The representative of Austria expressed the view that effective listing and delisting procedures were essential to preserve the legitimacy and reinforce the efficacy of sanctions regimes. Referring to a number of cases pending before various courts that challenged the Al-Qaida and Taliban sanctions regime for violating the rights of the listed individuals to a fair trial and to an effective remedy, he expressed the belief that the Council should devote special attention to the matter, as a negative court ruling would not only put the Member States concerned in a difficult position, but might call the whole system of targeted sanctions into question.³⁴² The representative of Switzerland stressed that, despite the progress made, shortcomings remained with regard to listing, delisting, notification of individuals and entities, and especially the right to an effective remedy. He pointed to the lack of a periodic review of those listed, the limited time to resolve delisting requests, and the open-ended nature of the sanctions regime. He cautioned that excessively long intervals between reviews tended to change the preventive character of sanctions into permanent punishment, which could be very difficult for national or international courts to accept.³⁴³ The representative of Liechtenstein asserted that the listing and delisting procedures should, “as an absolute minimum”, grant targeted individuals and entities the right to be informed about the measures imposed, the reasons for their imposition, as well as the right to present information that might refute the case for listing.³⁴⁴ The representative of the Russian Federation maintained that to enhance the effectiveness of the sanctions regime it was essential to enhance national procedures for taking decisions on placing new names

on sanctions lists.³⁴⁵ The representative of Peru, recognizing that difficulties in identifying individuals and entities on the consolidated list posed a challenge to the implementation of sanctions, in particular with regard to human rights and the credibility of the Committee, expressed the view that it was essential to have sufficient information regarding the identification of individuals and justifying listing requests for those individuals. In his view, all requests should comply with the standards set by the International Criminal Police Organization (INTERPOL) for inclusion of names in its database.³⁴⁶ Referring to the sanctions against Al-Qaida and the Taliban, the representative of Ghana, echoed by other speakers, supported country visits by the Chairman of the Committee and the Monitoring Team as one of the “key pillars” by which the implementation of the sanctions regime could be evaluated and its weaknesses corrected.³⁴⁷

Wrap-up discussion on the work of the Security Council for the current month

At its 5156th meeting, on 30 March 2005, the Council considered the African dimension of its work. Referring to the peacekeeping operations deployed in Africa, the representative of Algeria noted that a majority of operations had benefited from a “robust, multidimensional mandate” supported by a sanctions regime that he assessed as being “adequate”. He opined that the political will of the parties remained the “crucial factor” in achieving conflict settlement.³⁴⁸ The representative of Pakistan, referring to the challenges associated with large peacekeeping operations, such as the one in the Sudan, expressed hope that the Council would give “serious thought” to the compatibility of United Nations peace operations with the policy of sanctions.³⁴⁹ The representative of Benin suggested that, when applicable and in order to ensure greater respect for arms embargoes as well as for individual sanctions, the mandate and rules of engagement of United Nations peacekeeping operations should be formulated so as to ensure the effective enforcement of sanctions.³⁵⁰ The representative of the Philippines affirmed that sanctions should be treated in the context

³⁴⁰ Ibid., p. 14.

³⁴¹ Ibid., p. 22.

³⁴² Ibid., p. 26.

³⁴³ Ibid., p. 28.

³⁴⁴ Ibid., pp. 30-31.

³⁴⁵ Ibid., p. 21.

³⁴⁶ Ibid., p. 23.

³⁴⁷ Ibid., p. 16 (Ghana); p. 20 (United States); and pp. 24-25 (Congo).

³⁴⁸ S/PV.5156, p. 5.

³⁴⁹ Ibid., p. 10.

³⁵⁰ Ibid., p. 19.

of the broader peace processes. He concurred with the representative of Benin on the need to increase the effectiveness of sanctions and noted that the gap between the establishment of sanctions and their enforcement was related to the question of respect for the Council's authority.³⁵¹ The representative of the Russian Federation called for caution in the choice and timing of sanctions because, once a sanctions regime was introduced, the Council must consider "effective machinery" to ensure its implementation so as not to harm the authority of the Council and of the United Nations as a whole.³⁵² Observing that the Council's efforts were a combination of "sticks and carrots" in addressing the challenges in Africa, the representative of the United States noted that the mere threat of sanctions was not always enough to change the behaviour of individuals and entities acting against the peace process. He added that in those cases, although the Council's performance in this regard had been "mixed", the Council had to be willing to impose sanctions "promptly" and to bring "sufficient political pressure" to bear on all States and parties to make sanctions effective.³⁵³

Country-specific decisions relating to Article 41

The situation in Côte d'Ivoire

At its 5078th meeting, on 15 November 2004, the Council unanimously adopted resolution 1572 (2004) by which it, inter alia, imposed an arms embargo against Côte d'Ivoire, as well as travel and financial measures on designated individuals. Making a statement after the vote, the representative of China called upon the Ivorian parties to exercise restraint in order to avoid a further escalation of the crisis. While expressing support for additional Council action in Côte d'Ivoire, he opined that the objective of such action should be to encourage the parties to abide by the ceasefire and resume the peace process.³⁵⁴ The representative of France noted that, by unanimously adopting the resolution, the Council was pursuing the "essential objective" of promoting the implementation of the Linas-Marcoussis and Accra III Agreements, since there could be no military solution to the situation in Côte d'Ivoire.³⁵⁵ The representative of Angola opined that in "tense and

fragile" environments, such as the one in Côte d'Ivoire, the Council should opt for a "kind of pressure" that would not radicalize the position of one or another party, but that would instead continue to stimulate dialogue. He emphasized that the main concern was to find the "appropriate way" to calm the tension and to bring the parties back to implementing the peace agreements.³⁵⁶

At the 5152nd meeting, on 28 March 2005, the representative of South Africa noted that the cooperation and involvement of all Ivorian parties was required for attaining a peace settlement in Côte d'Ivoire. He further emphasized that it was "centrally important" that the Council and the African Union have the possibility of imposing "effective sanctions" against any parties that might act wilfully to deny the people of Côte d'Ivoire their right to peace, democracy and development.³⁵⁷ The representative of Japan stressed that all Ivorian parties had to be made fully aware that any failure to cooperate in the facilitation of the efforts of President Mbeki would render them subject to a sanctions regime, in accordance with resolution 1572 (2004). He said that, if the parties continued to obstruct the peace process, the Council had to show its readiness, in consultation with the African Union, to immediately apply sanctions against those individuals responsible for the "sabotage".³⁵⁸ The representative of Argentina expressed the view that the Council should begin to apply individual sanctions, as provided for in resolution 1572 (2004), against persons who obstructed the implementation of the peace agreements, as well as against those who committed any other human rights violations in Côte d'Ivoire.³⁵⁹

At its 5169th meeting, on 26 April 2005, the Council was briefed by the representative of South Africa, on behalf of the African Union mediation mission, on the situation in Côte d'Ivoire. Following the briefing, the representative of the United Kingdom said that, while he had argued for the adoption of sanctions in the past, in the light of the Pretoria Agreement he did not think sanctions were a priority anymore. He recognized however, that the dimension of sanctions had been important in getting the parties to agree and sign the peace agreement.³⁶⁰ The representative of Japan concurred that it was not the

³⁵¹ Ibid., p. 20.

³⁵² Ibid., p. 22.

³⁵³ Ibid., p. 24.

³⁵⁴ S/PV.5078, pp. 2-3.

³⁵⁵ Ibid., p. 3.

³⁵⁶ Ibid.

³⁵⁷ S/PV.5152, pp. 6-7.

³⁵⁸ Ibid., p. 18.

³⁵⁹ Ibid., p. 20.

³⁶⁰ S/PV.5169, p. 8.

appropriate time to immediately apply targeted sanctions against individuals, since the Ivorian parties had just shown their readiness, through the Pretoria Agreement, to revitalize the peace process. However, he stressed that all Ivorian parties had to recognize that any delay in implementing the Agreement would render them immediately subject to sanctions.³⁶¹

The situation in Liberia

At its 4981st meeting, on 3 June 2004, the Council considered the report of the Secretary-General pursuant to resolution 1521 (2003) regarding Liberia and the third progress report of the Secretary-General on UNMIL.³⁶² Following the statement of the Special Representative of the Secretary-General for Liberia, the Chairman of the National Transitional Government of Liberia appealed to the Council to lift the sanctions on timber and diamonds imposed by resolution 1521 (2003). He reaffirmed that the war in his country was over, and pointed out that the sanctions regime contributed to the perception that Liberia was “unsafe and dangerous”. He said that the sanctions resulted in a surcharge on everything imported into the country, thus raising the cost of living for the people of Liberia and having adverse implications for an orderly transition from conflict to peace. To strengthen his appeal, he outlined the steps taken by his Government to meet the Council’s concerns and requested that Council experts visit Liberia within 90 days to assess the progress made by the Transitional Government in fulfilling the conditions for the removal of sanctions. As further assurance to the Council, he stated that, upon the lifting of sanctions on diamonds, Liberia would temporarily avoid any sale, importation and exportation of rough diamond until it had joined the Kimberley Process.³⁶³ The representative of Algeria noted that the sanctions regime would need to be in line with the new political realities of Liberia and, given the fact that the Government of Liberia was a “partner for peace” of the Council, he deemed that the issue of sanctions should no longer be a source of controversy between Liberia and the Council.³⁶⁴ Similarly, the representative of Angola, noting the progress made by Liberia, said that the Council needed to respond effectively to the plea made

by the country concerning the ending of sanctions.³⁶⁵ The representative of Pakistan observed that the political changes in Liberia had had a positive impact on the way sanctions were implemented. Pointing out that arms and travel bans, on the one hand, and economic sanctions, on the other hand, should be treated differently, he advocated for the Council to lift the sanctions on diamonds. Noting with appreciation the assurance that Liberia would not export diamonds until it joined the Kimberley Process, he hoped that, given the progress made by the Liberian authorities in the case of diamonds, the sanctions could be soon lifted.³⁶⁶ By contrast, the representative of France, echoed by the representative of the United Kingdom, while acknowledging the actions taken by the Government of Liberia and UNMIL in the direction of restoring State control over natural resources, pointed out that Liberia still faced challenges to achieving lasting stability.³⁶⁷ The representative of the United Kingdom added that, before lifting the sanctions on diamonds, it would be more logical to first ensure that the Kimberley Process was fully implemented.³⁶⁸ The representatives of China and Benin concurred that the Council should decide on Liberia’s request in the near future.³⁶⁹

At the 5005th meeting, on 16 July 2004, in connection with the item entitled “Security Council mission”, the representative of Liberia reiterated the plea for the Council to lift the sanctions on timber and diamonds, stressing the role that those natural resources could play in Liberia’s reconstruction. He further pleaded for international assistance to ensure Liberia’s compliance with the management of public funds standards set by resolution 1521 (2003).³⁷⁰ The representative of Nigeria joined in the request for lifting the embargo on the trade of timber and other natural resources, so that the Government of Liberia could have the necessary funds for the rehabilitation of its infrastructure.³⁷¹ The representative of Pakistan acknowledged the challenge of economic recovery and reconstruction in Liberia, and opined that the Council had to revisit the issue of economic sanctions as the country made progress in achieving the benchmarks

³⁶¹ Ibid., p. 11.

³⁶² S/2004/428 and S/2004/430.

³⁶³ S/PV.4981, pp. 6-10.

³⁶⁴ Ibid., p. 15.

³⁶⁵ Ibid., p. 19.

³⁶⁶ Ibid., pp. 22-23.

³⁶⁷ Ibid., p. 15 (France); and p. 22 (United Kingdom).

³⁶⁸ Ibid., p. 22.

³⁶⁹ Ibid., p. 14 (China); and p. 21 (Benin).

³⁷⁰ S/PV.5005, p. 9.

³⁷¹ Ibid., p. 10.

related to the timber and diamond sectors.³⁷² The representative of the Russian Federation however cautioned that the lifting of sanctions had to be closely linked to guarantees of the irreversibility of the political settlement in Liberia.³⁷³

At its 5105th meeting, on 21 December 2004, the Council unanimously adopted resolution 1579 (2004), by which it renewed the measures on arms, travel, timber and diamonds imposed on Liberia by resolution 1521 (2003). Following the adoption of the resolution, the representative of the United States said that the newly adopted decision constituted a statement of his Government's strong support of the ongoing efforts of the United Nations to ensure peace and stability in Liberia and the region. He pointed out that the premature lifting of sanctions could potentially lead to the re-emergence of armed conflict. Although sharing the desire of other Council members to see Liberia's timber sector restored quickly as a source of legitimate revenue for the National Transitional Government, he emphasized that, in order to accomplish such an objective, there should be "security, transparency and accountability" in the timber sector. Currently, however, Liberia lacked the necessary institutional and financial measures to ensure that forest resources were used for legitimate development. He concluded by saying that his Government was "actively engaged" in assisting the Liberian authorities to restructure the timber and diamond sectors, as a means to expedite the eventual lifting of sanctions.³⁷⁴

At its 5389th meeting, on 17 March 2006, the Council heard a statement by the President of Liberia on the most recent reforms adopted by the country to meet the requirement for lifting the timber and diamond sanctions. She pointed out that Liberia had put in place mechanisms that would enhance transparency in governance, "consistent with the requirements for the lifting of timber and diamond sanctions". She further pointed out that her Government was meeting most of the requirements for implementing the Kimberley Process, and expressed the hope that those measures would lead to an "early lifting" of the ban on diamond exports.³⁷⁵ The representative of the United States, commending the President of Liberia for her commitment to reform the timber and diamond sectors,

expressed hope that the remaining reforms would be put in place so that sanctions could be lifted as soon as possible.³⁷⁶ The representative of the United Kingdom also commended the President of Liberia for the measures already adopted, and declared that it was incumbent on the Council to review the sanctions "as quickly as possible", taking into account the steps that the President had taken.³⁷⁷ The representative of Denmark asserted that the sanctions should be terminated as soon as the conditions imposed against Liberia were met and the revenues from the timber and diamond sectors benefited the Liberian people. She added that if the current reform momentum was kept up, that goal should be within short reach.³⁷⁸ The representative of Japan observed that the international community should support Liberia's efforts not only with good will, but also by mobilizing substantial support for and assistance to Liberia. He added that the Security Council would have to address, among other issues, the lifting of the sanctions in close consultation with the new Government.³⁷⁹ Similarly, the representative of Peru opined that the holding of elections should be just one phase in a wide-ranging programme for the rebuilding of Liberia, which included, in the economic sphere, the removal of sanctions.³⁸⁰

The situation in the Middle East

At its 5297th meeting, on 31 October 2005, the Council unanimously adopted resolution 1636 (2005), by which it imposed a set of financial and travel restrictions on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in planning, sponsoring, organizing or perpetrating the terrorist act which caused the death of the former Prime Minister of Lebanon, Rafiq Hariri, and others. In the debate following the adoption of the resolution, a few speakers referred in their statements to an initial version of the draft resolution³⁸¹ which had envisaged the possibility of imposing sanctions against the Syrian Arab Republic if it did not fully cooperate with the Commission.

³⁷² Ibid., p. 22.

³⁷³ Ibid., pp. 19-20.

³⁷⁴ S/PV.5105, pp. 2-3.

³⁷⁵ S/PV.5389, p. 3.

³⁷⁶ Ibid., pp. 6-7.

³⁷⁷ Ibid., p. 7.

³⁷⁸ Ibid., p. 8.

³⁷⁹ Ibid., p. 9.

³⁸⁰ Ibid., p. 10.

³⁸¹ Not issued as a document of the Security Council.

The representatives of France, the United Kingdom and the United States, welcoming the unanimous adoption of the resolution, warned that the Council would decide on the consequences of any failure by the Syrian authorities to meet their obligations under the resolution and fully cooperate with the International Independent Investigation Commission.³⁸² The representative of the United States said that, with resolution 1636 (2005), the United Nations was taking a step to hold the Syrian Arab Republic accountable for “any further failure to cooperate with the Commission’s investigations and to consider further action if necessary”.³⁸³ The representative of the United Kingdom said that the resolution had put the Syrian Arab Republic on notice that the Council’s patience was “limited” in obtaining its necessary cooperation.³⁸⁴

By contrast, the representatives of Algeria, China and the Russian Federation said that they supported the removal of any language related to the “threat of sanctions” from the text of the draft resolution. The representative of Algeria said that such a provision would have been “both premature and superfluous”, since the resolution was adopted in the context of Chapter VII of the Charter and was, therefore, “in and of itself already binding”.³⁸⁵ The representative of China held the view that the use of sanctions could only be authorized “with prudence and in the light of actual situations”. In such circumstances, he found it “inappropriate” for the Council to prejudge the outcome of the investigation and threaten to impose sanctions, as that would “not contribute to resolving this issue” and would “add new destabilizing factors” to the already complex situation in the Middle East.³⁸⁶ The representative of the Russian Federation expressed his satisfaction that the resolution did not go beyond the context of cooperation with the investigation and did not contain any “baseless threats” or cast doubt on the universal principle of the presumption of innocence. Referring to the initial version of the draft resolution, he declared that the initial text, if adopted, would have provided for an “unprecedented procedure” that would have automatically imposed sanctions against suspects purely at the discretion of the

Commission, thereby depriving the Council of its prerogatives under the Charter.³⁸⁷

The situation in Myanmar

At its 5753rd meeting, on 5 October 2007, the Council heard a briefing by the Special Envoy of the Secretary-General in Myanmar on recent developments in that country. In the ensuing debate, the representative of the United States expressed his readiness to introduce a draft resolution imposing sanctions if the country’s regime did not respond constructively to the demands of the international community in a timely manner. He believed that measures such as an arms embargo should be considered to induce the regime to cooperate with the Special Envoy in his mediation efforts.³⁸⁸ The representative of Singapore declared that, although the idea of additional sanctions should not be ruled out, the possible impact of such measures should be carefully considered. All such actions should have only one objective — the strengthening of the Special Envoy’s hand as an effective mediator.³⁸⁹ In contrast, the representative of China emphasized that pressure would not serve any purpose and would only lead to confrontation or even loss of dialogue and cooperation between Myanmar and the international community, including the United Nations. To this end, he called on the Council to adopt a “prudent and responsible” approach in handling the issue.³⁹⁰

At its 5777th meeting, on 13 November 2007, the Council heard another briefing by the Special Envoy of the Secretary-General about his most recent visit to Myanmar in the context of his good offices mandate. During the debate, the representative of China restated his belief that sanctions would not help to resolve the situation, but rather complicate it, in particular by undermining the dialogue and the reconciliation process that was starting.³⁹¹ Likewise, the representative of the Russian Federation asserted that threats, pressure and sanctions exerted from outside the country were counterproductive and would only hinder the effort to solve the problems that Myanmar was facing.³⁹²

³⁸² S/PV.5297, p. 3 (France); pp. 3-4 (United Kingdom); and p. 5 (United States).

³⁸³ *Ibid.*, p. 5.

³⁸⁴ *Ibid.*, p. 4.

³⁸⁵ *Ibid.*, p. 6.

³⁸⁶ *Ibid.*, p. 8.

³⁸⁷ *Ibid.*, p. 11.

³⁸⁸ S/PV.5753, p. 13.

³⁸⁹ *Ibid.*, p. 19.

³⁹⁰ *Ibid.*, p. 9.

³⁹¹ S/PV.5777, p. 10.

³⁹² *Ibid.*, p. 14.

*Non-proliferation/Democratic People's Republic
of Korea*

At its 5551st meeting, on 14 October 2006, the Council unanimously adopted resolution 1718 (2006) by which it imposed an arms embargo, a travel ban, and an asset freeze against the Democratic People's Republic of Korea, in response to the nuclear test proclaimed by the country on 9 October 2006. In the debate following the vote, the representatives of the United States, France and the United Kingdom welcomed the imposition of sanctions as a decisive and necessary response by the Council to a serious threat to international peace and security.³⁹³ The representative of China stated that sanctions in themselves were not "the end" and emphasized that, if the Democratic People's Republic of Korea complied with the resolution, the Council would suspend or lift sanctions.³⁹⁴ Similarly, the representative of the Russian Federation affirmed that any sanctions introduced by the Council should not remain in place indefinitely and should be lifted if the Council's demands were met. He further emphasized that the imposition of sanctions by Governments in a "one-sided way" was not compatible with the Council's effort to reach an agreement on common approaches in which all interested parties were involved.³⁹⁵ The representative of Japan stressed that the goal of the newly adopted resolution was not to impose sanctions "for the sake of sanctions" but to remove a threat to international peace and security by ensuring the discontinuation of the Democratic People's Republic of Korea's nuclear testing and ballistic missile launchings as well as the abandonment of its nuclear and missile programmes.³⁹⁶ In response, the representative of the Democratic People's Republic of Korea rejected the resolution as "unjustifiable" and argued that the United States had sought to impose collective sanctions upon his country by "manipulating the Council" to adopt the resolution.³⁹⁷

Non-proliferation (Islamic Republic of Iran)

At its 5500th meeting, on 31 July 2006, acting under Article 40 of the Charter, the Council adopted resolution 1696 (2006), by which it made mandatory

the suspension of uranium enrichment and reprocessing activities undertaken by the Islamic Republic of Iran, as required by IAEA. The Council further expressed its intention, in the event that the Islamic Republic of Iran did not comply with the resolution, to adopt appropriate measures under Article 41 of Chapter VII of the Charter. In the debate that followed the adoption of the resolution, a number of speakers reaffirmed their readiness to introduce measures under Article 41, should the Islamic Republic of Iran not comply with the resolution.³⁹⁸ The representatives of the Russian Federation and China, however, added that in case of compliance no additional measures by the Council would be necessary.³⁹⁹

At its 5612th meeting, on 23 December 2006, the Council unanimously adopted resolution 1737 (2006), by which it imposed the first set of sanctions against the Islamic Republic of Iran related to its nuclear programme. During the debate, the representative of the United States opined that the resolution sent the Islamic Republic of Iran an "unambiguous message" that there were "serious repercussions" to its continued disregard of its obligations. Hoping that the country would comply with the resolution, he stated that, by that resolution, the Council had clearly affirmed its intention to review the Islamic Republic of Iran's actions based on the report to be submitted by IAEA and to adopt "further measures" if the country had not complied fully with its obligations.⁴⁰⁰ The representative of France pointed out that the sanctions adopted by the Council were "proportionate and reversible", but emphasized that in the event the Islamic Republic of Iran persisted on its current path, there would be "other measures" under Article 41 of the Charter.⁴⁰¹ The representative of China emphasized that the sanctions were not an end, but a means to urge the Islamic Republic of Iran to resume negotiations, and reaffirmed their time-limited and reversible character.⁴⁰² In response, the representative of the Islamic Republic of Iran pointed out that the Council had imposed sanctions on a party to the Treaty on the Non-Proliferation of Nuclear Weapons which had never attacked or threatened to use force against any

³⁹³ S/PV.5551, pp. 2-3 (United States); pp. 3-4 (France); and p. 5 (United Kingdom).

³⁹⁴ *Ibid.*, p. 4.

³⁹⁵ *Ibid.*, pp. 5-6.

³⁹⁶ *Ibid.*, p. 7.

³⁹⁷ *Ibid.*, pp. 7-8.

³⁹⁸ S/PV.5500, p. 3 (United States); p. 4 (United Kingdom); p. 5 (Russian Federation, China); and p. 7 (France).

³⁹⁹ *Ibid.*, p. 5 (Russian Federation, China).

⁴⁰⁰ S/PV.5612, p. 3.

⁴⁰¹ *Ibid.*, p. 6.

⁴⁰² *Ibid.*, p. 7.

Member of the United Nations. He deemed that the United States and its three European Union partners had never taken seriously his Government's proposals, being from the beginning "bent on abusing" the Council and on using sanctions as an instrument of pressure against the Islamic Republic of Iran.⁴⁰³

At its 5647th meeting, on 24 March 2007, the Council adopted resolution 1747 (2007), by which it imposed another set of sanctions against the Islamic Republic of Iran. Prior to the vote, the representatives of Qatar, the Congo, Indonesia and South Africa made statements indicating their intention to vote in favour of the draft resolution, but stressed the inalienable right of the Islamic Republic of Iran to develop nuclear energy for peaceful purposes and called on all States to seek a negotiated solution to the issue.⁴⁰⁴ More specifically, the representative of Qatar expressed his disapproval of the adoption of new sanctions, considering them an inappropriate means of pressuring the Government of the Islamic Republic of Iran. He cautioned that sanctions could sometimes complicate matters and signal another failure of diplomatic efforts. He further noted that the continued pressure on the Islamic Republic of Iran could have serious consequences, given the already volatile nature in the region.⁴⁰⁵ Similarly, the representative of South Africa expressed the belief that coercive measures, such as sanctions, should be utilized with great caution and only to support the resumption of political dialogue and negotiations to achieve a peaceful solution.⁴⁰⁶ In the debate following the adoption of the resolution, the representative of the United Kingdom, supported by the representatives of France and the United States, underlined the incremental and proportional nature of the resolution, noting that it did not introduce any changes to the provisions of paragraph 15 of resolution 1737 (2006). They also underlined the inalienable right of the Islamic Republic of Iran to the development of nuclear energy for peaceful purposes and called on that country to return to the negotiating table in order to achieve a long-lasting and comprehensive solution to the issue.⁴⁰⁷ The representative of the United States said that the non-compliance of the Islamic Republic of Iran with

Security Council resolutions as well as its violation of its international treaty obligations required Council action, which was however undertaken in a "careful and deliberate" manner.⁴⁰⁸ The representative of China, underlining the reversible nature of the sanctions measures, added that the purpose of the new resolution was not to punish the Islamic Republic of Iran but to urge it to return to negotiations and reactivate diplomatic efforts. If the Islamic Republic of Iran complied with the relevant resolutions, the Council would suspend, and even terminate the sanctions measures. Maintaining that it was impossible to resolve the issue by imposing sanctions and pressure only, he emphasized that diplomatic talks remained the "best option". He also maintained that the sanctions should neither harm the people of the Islamic Republic of Iran nor affect normal economic, trade and financial exchanges between the Islamic Republic of Iran and other countries.⁴⁰⁹ While highlighting the balanced text of the resolution, the representative of the Russian Federation said that Article 41 of the Charter precluded the possibility of the use of force and that any further steps that could be taken in response to the Islamic Republic of Iran's future actions would therefore be peaceful. He hoped that the Government of the Islamic Republic of Iran would enter into dialogue in order to attain a political and diplomatic solution to the issue.⁴¹⁰ The representative of Panama expressed the view that the Council's adoption of a resolution imposing sanctions signalled the "failure of the political process". He called upon all parties to launch a new negotiating process aimed at resolving the situation.⁴¹¹

In response, the representative of the Islamic Republic of Iran regretted that, for the fourth time in the past 12 months, the Council had taken "unjustifiable action" against his country, which was pursuing a peaceful nuclear programme. He argued that by establishing sanctions, the resolution was punishing a country that, "according to IAEA", had never diverted its nuclear programme, and which had been a "committed party" and had fulfilled all of its commitments under the Non-Proliferation Treaty. He concluded by noting that even the harshest political and economic sanctions or other threats were far too

⁴⁰³ Ibid., pp. 9-10.

⁴⁰⁴ S/PV.5647, p. 2 (Qatar); p. 3 (Congo); pp. 3-4 (Indonesia); and pp. 4-5 (South Africa).

⁴⁰⁵ Ibid., p. 2.

⁴⁰⁶ Ibid., p. 4.

⁴⁰⁷ Ibid., pp. 6-7 (United Kingdom); pp. 7-8 (France); and pp. 8-10 (United States).

⁴⁰⁸ Ibid., p. 9.

⁴⁰⁹ Ibid., pp. 11-12.

⁴¹⁰ Ibid., p. 11.

⁴¹¹ Ibid., p. 12.

weak to coerce the Iranian nation into retreating from its “legal and legitimate demands”.⁴¹²

Reports of the Secretary-General on the Sudan

At its 5015th meeting, on 30 July 2004, the Council adopted resolution 1556 (2004), by which it imposed an arms embargo against all non-governmental entities and individuals operating in the States of Northern Darfur, Southern Darfur and Western Darfur. By the same resolution the Council demanded that the Government of the Sudan fulfil its commitments to disarm the Janjaweed militias and expressed its intention to consider further actions, including measures as provided for in Article 41 of the Charter, in the event of non-compliance.

Speaking before the vote, the representative of China, recalling that the Government of the Sudan bore the primary responsibility to resolve the situation in Darfur, stated that his Government would abstain in the voting because the draft resolution still included references to measures that, given the fact that all parties were “speeding up” diplomatic efforts, were not helpful and which could further complicate the situation.⁴¹³ Speaking after the vote, the representative of the United States noted that the resolution imposed an arms embargo specifically focused on Darfur and provided for a monthly progress-monitoring mechanism with the “prospect of sanctions” if the Government of the Sudan failed to fulfil its commitments. He added that the Sudan had to know that “serious measures”, namely international sanctions, were looming in the event of non-compliance.⁴¹⁴ Similarly, the representative of the United Kingdom asserted that if the Government’s commitments and obligations were not met, specifically entering into constructive peace talks and the cessation of intimidation and atrocities, the Council, upon reviewing the progress made after one month, would consider measures as provided for in Article 41 of the Charter.⁴¹⁵ The representatives of Germany and France agreed with the previous speakers that the newly imposed measures constituted a chance for the Government of the Sudan to avoid the imposition of sanctions by making significant and measurable progress on disarming the Janjaweed

militias and bringing them to justice. Otherwise, the Council would be obliged to impose measures under Article 41 of the Charter.⁴¹⁶ The representative of Algeria, speaking also on behalf of Angola and Benin, welcomed the adoption of the resolution and insisted on the adoption of new measures against the Sudan only after the Council had reviewed the progress made by the Government of the Sudan in fulfilling its commitments.⁴¹⁷ Similarly, the representative of the Russian Federation declared that it was “of fundamental importance” that the resolution did “not foresee possible further Security Council action with regard to Darfur”. In his view, such action should be taken only after considering the Secretary-General’s recommendations and developments on the ground.⁴¹⁸ The representative of Brazil observed that the adoption of the measures under Chapter VII of the Charter added little or no value to the resolution’s vigour, and viewed the reference to Article 41 “as a way out and a compromise”. He opined that the text should have made clear that measures such as those envisaged in Article 41 should be adopted solely for the purpose of giving effect to the decisions of the Council contained in the resolution.⁴¹⁹ The representative of Pakistan pointed out that his Government did not support the new measures because it did not believe that the threat or imposition of sanctions against the Government of the Sudan was advisable. He added that his Government considered unnecessary the adoption of the entire resolution under Chapter VII.⁴²⁰ The representative of the Philippines noted that his country had voted in favour of the resolution in response to the humanitarian situation and expressed the hope that the Sudan would comply with its commitments and that after 30 days there would be no reason to implement Article 41 of the Charter.⁴²¹

At its 5040th meeting, on 18 September 2004, the Council adopted resolution 1564 (2004), reiterating that in the event the Government of the Sudan failed to comply fully with the relevant Security Council resolutions, the Council would consider taking additional measures under Article 41 of the Charter. Prior to the vote, the representative of Algeria said that

⁴¹² Ibid., pp. 14-18.

⁴¹³ S/PV.5015, p. 3.

⁴¹⁴ Ibid., p. 4.

⁴¹⁵ Ibid., p. 5.

⁴¹⁶ Ibid., p. 7 (Germany); and p. 9 (France).

⁴¹⁷ Ibid., p. 6.

⁴¹⁸ Ibid., p. 7.

⁴¹⁹ Ibid., p. 8.

⁴²⁰ Ibid., p. 10.

⁴²¹ Ibid., pp. 10-11.

his Government did not expect that the Council would use the threat of “recourse to sanctions” and expressed his concerns regarding the text of the draft resolution,⁴²² as it only highlighted the shortcomings of the Government of the Sudan without mentioning the actions taken by the Government in the right direction. Furthermore, he disagreed with the fact that the resolution envisaged the possibility of using sanctions against the Sudan not only if there was a lack of compliance with Security Council resolutions but also if there was a lack of cooperation with the African Union on the extension of the mandate of the African Union Mission in the Sudan.⁴²³ Following the vote, the representative of the Russian Federation said that the threat of sanctions was far from the best method to induce the Government of the Sudan to fulfil its obligations. Instead, he recommended the use of “approved diplomatic methods”.⁴²⁴ Expressing his delegation’s reservations about the resolution, the representative of China agreed that the Council and the international community should focus on encouraging the Government of the Sudan to continue to cooperate, rather than “doing the opposite”, and suggested supporting the mediation of the African Union. He noted that his Government had abstained but had not blocked the adoption of the resolution, because of the provisions referring to the African Union. He also noted that the co-sponsors of the resolution had repeatedly stated that sanctions would not be automatically implemented, and reiterated his Government’s opposition to sanctions, which in his view only aggravated the existing problems.⁴²⁵ Similarly, the representative of Pakistan said that his delegation could not endorse the use, or the threat of use, of sanctions. Considering the progress made, the threat to use sanctions against the Government of the Sudan was not “justifiable or necessary”. He added that the sanctions were unfair and that they might provoke a response that would be counterproductive, threatening international humanitarian relief and eroding the mediatory efforts of the African Union.⁴²⁶ In response, the representative of the United States pointed out that the Council was acting only because the Government of the Sudan had failed to comply with resolution 1556 (2004). He said that, if the Sudan continued to

persecute its people and did not fully cooperate with the African Union, the Council would indeed have to consider sanctions against it.⁴²⁷ The representative of Germany, supported by the representative of Romania, emphasized that the Council needed to maintain pressure on the Sudan, which included the threat of sanctions, but without creating any “automaticity”.⁴²⁸ Similarly, the representative of the United Kingdom stated that “by repeating the clear threat of measures”, the Council was underlining its commitment to ensure that the Government of the Sudan achieved the targets that had been set.⁴²⁹ The representative of Chile noted that sanctions were “tools with which to achieve higher purposes”, declaring that his Government’s goal was for the Sudan to fulfil its commitments.⁴³⁰ The representative of the Sudan maintained that his Government had fulfilled its obligations towards its citizens. He further reminded the Council that his country’s problems lay in “economic and social backwardness” and questioned whether sanctions would help to resolve the problem, or would only further complicate it.⁴³¹

At its 5082nd meeting, on 19 November 2004, the Council unanimously adopted resolution 1574 (2004), by which it expressed its deep concern at the situation in the Sudan and its implications for international peace and security and stability in the region. In the debate that followed the adoption of the resolution, the representative of the United Kingdom remarked that the resolution reiterated the Council’s determination to ensure that all parties in Darfur fulfilled their obligations. He further noted that the resolution was a reminder that measures under Article 41 of the Charter would be used against those who did not comply.⁴³² Similarly, the representative of the Netherlands, speaking on behalf of the European Union and associated countries, said that the European Union would continue to exert pressure on both the Government of the Sudan and the rebel groups, and would take appropriate measures, as contemplated in Article 41 of the Charter, if no tangible progress was achieved.⁴³³ The Chairman of the Sudan People’s Liberation Movement/Army declared that the

⁴²² S/2004/744.

⁴²³ S/PV.5040, p. 3.

⁴²⁴ *Ibid.*, p. 4.

⁴²⁵ *Ibid.*, pp. 4-5.

⁴²⁶ *Ibid.*, p. 7.

⁴²⁷ *Ibid.*, p. 5.

⁴²⁸ *Ibid.*, p. 7 (Germany); and p. 11 (Romania).

⁴²⁹ *Ibid.*, p. 9.

⁴³⁰ *Ibid.*, p. 11.

⁴³¹ *Ibid.*, pp. 13-14.

⁴³² S/PV.5082, p. 4.

⁴³³ *Ibid.*, p. 24.

resolution constituted a “much stronger action” than sanctions because it constituted a commitment by the parties to the conflict to reach a political settlement by 31 December 2004. If the parties did not agree, the resolution signified that there could be “much more serious consequences” than sanctions.⁴³⁴

At its 5153rd meeting, on 29 March 2005, the Council adopted resolution 1591 (2005), by which it expanded the arms embargo and imposed additional measures, including a travel ban and asset freeze on designated individuals involved in the conflict in the Sudan. In the ensuing debate, the representative of the Russian Federation insisted that the potential of political and diplomatic measures to defuse the conflict in Darfur had not been exhausted. While affirming that the imposition of sanctions was “hardly likely to create a constructive atmosphere”, he noted that targeted sanctions could still be used against persons who were creating obstacles to normalizing the situation in Darfur. He added that doubts about the practical ability to implement the sanctions regime already imposed by the Council did not help to strengthen its effectiveness. He expressed support for the strong opposition of the African Union and the League of Arab States to the strengthening of sanctions, and expressed the view that the Council should review, as soon as possible, the decision to impose an arms embargo, particularly in the light of the formation of the coalition Government of the Sudan.⁴³⁵ Similarly, expressing his reservations about the resolution, the representative of China reiterated his cautious approach to the issue of sanctions and stressed that the Council should exercise the greatest caution with respect to “measures” that could make negotiations more difficult and have a negative impact on the peace process.⁴³⁶

At its 5423rd meeting, on 25 April 2006, the Council adopted resolution 1672 (2006), by which it designated four individuals as subject to travel restrictions and asset freeze. Following the vote, the representative of Qatar expressed the view that there was no “clear and consistent evidence that would condemn those individuals in the way required for imposing sanctions on them”, in accordance with the measures and guidelines of the Committee established pursuant to resolution 1591 (2005).⁴³⁷ The

representative of the Russian Federation voiced concern about the timing of the resolution, stating that its adoption could have a negative impact on the prospects for concluding a peace agreement. He believed that the implementation of sanctions should be closely linked with the task of promoting the political settlement of the conflict and ensuring regional stability.⁴³⁸ The representative of China, emphasizing that the African Union-led Abuja peace talks were at a crucial juncture, cautioned that the Council would have to assume responsibility if, as a result of the resolution, any party to the Abuja peace talks had second thoughts about signing a peace accord, and the conflict in Darfur was prolonged or even intensified. Regarding the criteria for the inclusion of individuals in the sanctions list, he expressed his reservation and stated that sanctions should be applied as an extremely careful step.⁴³⁹

At the 5434th meeting, on 9 May 2006, the representative of Denmark advocated that all measures, including sanctions, should be “put to use as and when appropriate”. She believed it was crucial to encourage, and when necessary, apply pressure, on those parties or individuals that stood “in the way of peace”, in order to achieve a lasting peace in Darfur and in the Sudan as a whole.⁴⁴⁰ Similarly, the representative of Austria, speaking on behalf of the European Union and associated countries, reiterated his support for making full use of the measures set out in resolution 1591 (2005) against those who were impeding the peace process.⁴⁴¹

At the 5520th meeting, on 11 September 2006, the representative of Qatar called on the Council to study the comprehensive plan of action for Darfur put forward by the Government of the Sudan and reach an agreement with the Government on the situation. He further stressed that the threat of sanctions had to be avoided, as it would “undoubtedly” complicate matters.⁴⁴² By contrast, the representative of Denmark, stressed that all those responsible had to and would be held accountable, and expressed the view that, if the Government of the Sudan pressed on with its current

⁴³⁴ Ibid., p. 17.

⁴³⁵ S/PV.5153, p. 4.

⁴³⁶ Ibid., p. 5.

⁴³⁷ S/PV.5423, p. 2.

⁴³⁸ Ibid.

⁴³⁹ Ibid., p. 3.

⁴⁴⁰ S/PV.5434, p. 10.

⁴⁴¹ Ibid., p. 17.

⁴⁴² S/PV.5520, p. 19.

plans in Darfur, broader political and economic sanctions would not be ruled out.⁴⁴³

Discussion of judicial measures relating to Article 41

The situation in the Middle East

At its 5685th meeting, on 30 May 2007, the Council adopted resolution 1757 (2007), by which, inter alia, it requested the Secretary-General, in coordination with the Government of Lebanon, to establish a Special Tribunal to judge those accused of the terrorist attack that killed the former Prime Minister, Rafiq Hariri, and others. During the debate preceding the vote, a number of representatives justified their abstention from voting on the draft resolution by questioning the adoption of the measures under Chapter VII of the Charter. They noted that Council resolutions were binding under Article 25 of the Charter and that the Council, by establishing the Tribunal, was interfering in the domestic affairs of Lebanon.⁴⁴⁴ Moreover, the representative of China indicated that, by invoking Chapter VII, the Council's measure could give rise to "political and legal problems" and create instability in Lebanon.⁴⁴⁵ Similarly, the representative of the Russian Federation declared that there was "no basis" for a reference to Chapter VII in the draft resolution.⁴⁴⁶ Speaking after the vote, several representatives expressed support for the establishment of the tribunal.⁴⁴⁷ The representative of the United Kingdom maintained that the use of Chapter VII carried no connotation other than making it binding.⁴⁴⁸ The representative of Peru declared that he had voted in favour of the resolution because of the "exceptional political circumstances" in Lebanon, but cautioned that the invocation of Chapter VII of the Charter should not constitute a precedent beyond that particular case.⁴⁴⁹

Reports of the Secretary-General on the Sudan

At its 5158th meeting, on 31 March 2005, the Council adopted resolution 1593 (2005), by which it

referred the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court. A number of representatives welcomed the Council's decision to refer the situation in Darfur to the Court as the most efficient and effective means to deal with impunity and to ensure justice.⁴⁵⁰ While voting in favour of the resolution, the representatives of the Philippines, Greece and Benin expressed their concerns regarding the provisions of impunity from jurisdiction contained in the decision.⁴⁵¹ The representative of Brazil stated that while his Government was in favour of referring the situation in Darfur to the Court, he had abstained from the voting because of the references to the immunities from the jurisdiction of the Court.⁴⁵² The representative of the United States declared that, by adopting the resolution, the international community had established an "accountability mechanism for the perpetrators of crimes and atrocities" in Darfur. However, she said that she had abstained from the vote because the United States objected to the view that the International Criminal Court should be able to exercise jurisdiction over the nationals of States not parties to the Rome Statute.⁴⁵³ Similarly, the representative of China disapproved of the Court exercising jurisdiction over States not parties and indicated that the referral might "severely complicate" efforts to settle the Darfur issue.⁴⁵⁴ Echoed by the representative of Algeria, the representative of the United States suggested that a "hybrid tribunal" in Africa would have been a "better mechanism" to deal with the situation than the International Criminal Court.⁴⁵⁵ The representative of the Sudan spoke against the referral and stated that the disagreement over the jurisdiction of the Court exposed the fact that the Court was intended only for "developing and weak States". He further said that the judiciary in his country had "gone a long way" in holding trials and underlined that some States had wanted to activate the Court and had used the situation in Darfur as a "mere pretext".⁴⁵⁶

⁴⁴³ Ibid., p. 21.

⁴⁴⁴ S/PV.5685, p. 3 (Qatar, Indonesia); pp. 3-4 (South Africa); p. 4 (China); and p. 5 (Russian Federation).

⁴⁴⁵ Ibid., p. 4.

⁴⁴⁶ Ibid., p. 5.

⁴⁴⁷ Ibid., p. 7 (Belgium, Slovakia, Italy); pp. 7-8 (United States); and pp. 8-9 (Lebanon).

⁴⁴⁸ Ibid. p. 6.

⁴⁴⁹ Ibid.

⁴⁵⁰ S/PV.5158, p. 6 (Denmark, Philippines); p. 7 (Japan, United Kingdom, Argentina); p. 8 (France); p. 9 (United Republic of Tanzania); and p. 10 (Romania, Russian Federation).

⁴⁵¹ Ibid., p. 6 (Philippines); p. 9 (Greece); and p. 10 (Benin).

⁴⁵² Ibid., p. 11.

⁴⁵³ Ibid., p. 3.

⁴⁵⁴ Ibid., p. 5.

⁴⁵⁵ Ibid., p. 3 (United States); and p. 4 (Algeria).

⁴⁵⁶ Ibid., p. 12.

Part IV

Other measures to maintain or restore international peace and security in accordance with Article 42 of the Charter

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Note

During the period under review, without explicitly invoking Article 42 of the Charter but acting under Chapter VII of the Charter, the Council adopted several resolutions by which it authorized a number of United Nations peacekeeping missions as well as multinational forces to use “all necessary measures”, “all necessary means”, “all means”, or “all necessary action” to enforce its demands relating to the restoration of international peace and security. With respect to the United Nations peacekeeping missions, the Council authorized enforcement action for the newly established missions in Burundi, Côte d’Ivoire, Haiti and the Sudan. In connection with the mission deployed in Côte d’Ivoire, the Council also authorized French forces to use “all necessary means” to support it. The Council also continued to authorize the use of force for the United Nations peacekeeping operations already deployed in the Democratic Republic of the Congo and Sierra Leone. In addition, while not acting explicitly under Chapter VII of the Charter, but having determined the existence of a threat to international peace and security, the Council authorized the United Nations Interim Force in Lebanon to take “all necessary action” to undertake a number of tasks it was mandated to perform. In connection with multinational forces, the Council authorized the use of “all necessary measures” for the operations newly established by the European Union in Bosnia and Herzegovina, Chad and the Central African Republic, and the Democratic Republic of the Congo; the African Union in Somalia; and Member States participating in the Multinational Interim Force in Haiti. The Council also renewed the authorization of the use of force for the multinational

forces already deployed in Afghanistan, Bosnia and Herzegovina and Iraq. During the period under consideration, the Council authorized for the first time an enforcement action by a joint African Union-United Nations Hybrid Operation in Darfur (UNAMID).

During the period under consideration, the Council authorized peacekeeping operations and multinational forces to undertake enforcement actions under Article 42 of the Charter in the discharge of a large range of tasks, such as, to maintain and/or create a secure environment; to monitor and ensure respect of ceasefire agreements and cessation of hostilities agreements; to support the implementation of peace agreements; to provide protection to transitional/interim Governments; to protect civilians under imminent threat of physical violence; to protect United Nations personnel and facilities as well as humanitarian personnel; to monitor and ensure the implementation of arms embargoes imposed by the Council; to support national reconciliation efforts and to promote the re-establishment of confidence between the parties to a conflict; to disarm and demobilize armed groups; to support the implementation of national programmes of disarmament, demobilization and reintegration; to support the reform of the security sector; to assist in the field of human rights; and to contribute to the successful completion of electoral processes.⁴⁵⁷

Section A contains 12 case studies relating to the Council’s authorization of enforcement action, under Chapter VII of the Charter, for the maintenance of peace and security, with regard to Afghanistan, Bosnia and Herzegovina, Burundi, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Iraq, the Middle East, Sierra Leone, Somalia and the Sudan. Section B highlights the salient issues that were raised in the Council’s deliberations in connection with the adoption of the resolutions authorizing the use of force or deliberations, and includes an overview of the discussions in the Council on thematic issues which shed light on the interpretation and application of the provisions enshrined in Article 42. Such discussions were held in

⁴⁵⁷ See chap. V, part I, sect. F, for mandates of individual peacekeeping and peacebuilding operations.

connection with the non-proliferation of weapons of mass destruction, the protection of civilians in armed conflict, the strengthening of international law, and United Nations peacekeeping operations.

A. Decisions relating to Article 42

The situation in Afghanistan

By resolution 1563 (2004) of 17 September 2004, the Council decided to extend the authorization of the International Security Assistance Force (ISAF) for a further period of 12 months, and authorized the Member States participating in ISAF to take “all necessary measures” to fulfil the Mission’s mandate.⁴⁵⁸ By subsequent resolutions, the Council extended the authorization of ISAF and that of the Member States participating in it.⁴⁵⁹

The situation in Bosnia and Herzegovina

By resolution 1551 (2004) of 9 July 2004, the Council authorized Member States, acting through or in cooperation with the North Atlantic Treaty Organization (NATO), to continue, for a further period of six months, the multinational stabilization force (SFOR) and to take “all necessary measures” to effect the implementation and to ensure compliance with annex 1-A of the Dayton Peace Agreement. The Council authorized the relevant Member States to take “all necessary measures”, at the request of SFOR, either in defence of or to assist the Force in carrying out its mission, and recognized the right of the Force to take “all necessary measures” to defend itself from an attack or threat of attack. The Council also authorized the relevant Member States to “take all necessary measures” to ensure compliance with the rules and procedures established by the Commander of SFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.⁴⁶⁰

By resolution 1575 (2004) of 22 November 2004, the Council authorized the Member States acting through or in cooperation with the European Union to establish, for an initial period of 12 months, a multinational stabilization force (EUFOR) as a legal successor to SFOR. The Council welcomed the decision

of NATO to conclude the SFOR operation in Bosnia and Herzegovina by the end of 2004 and to maintain a presence in the country through the establishment of a NATO headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR. The Council therefore authorized the Member States acting through or in cooperation with NATO to establish a NATO headquarters as a legal successor to SFOR under unified command and control, to fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with EUFOR and in accordance with the arrangements agreed between NATO and the European Union which recognized that EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement.⁴⁶¹ The Council authorized the relevant Member States acting through or in cooperation with EUFOR and NATO to take “all necessary measures” to effect the implementation and ensure compliance with annexes 1-A and 2 of the Peace Agreement; and stressed that the parties should be equally subject to such enforcement action by the European Union force and the NATO presence as necessary to ensure implementation of the above-mentioned annexes and the protection of EUFOR and the NATO presence. The Council further authorized Member States to take “all necessary measures”, at the request of EUFOR or the NATO headquarters, either in defence of or to assist both organizations in carrying out their missions, and recognized the right of both EUFOR and the NATO presence to take “all necessary measures” to defend themselves from an attack or threat of attack. The Council also authorized the relevant Member States acting through or in cooperation with the European Union force and NATO to take “all necessary measures” to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.⁴⁶²

The mandates of both EUFOR and the NATO presence were extended several times by subsequent Council resolutions.⁴⁶³

The situation in Burundi

⁴⁵⁸ Resolution 1563 (2004), paras. 1 and 2.

⁴⁵⁹ Resolutions 1623 (2005), paras. 1 and 2; 1707 (2006), paras. 1 and 2; and 1776 (2007), paras. 1 and 2.

⁴⁶⁰ Resolution 1551 (2004), paras. 11, 13, 14 and 15.

⁴⁶¹ Resolution 1575 (2004), paras. 10 and 11.

⁴⁶² *Ibid.*, paras. 14-16.

⁴⁶³ Resolutions 1639 (2005), paras. 10, 11, 14, 15 and 16; 1722 (2006), paras. 10, 11, 14, 15 and 16; and 1785 (2007), paras. 10, 11, 14, 15 and 16.

By resolution 1545 (2004) of 21 May 2004, the Council decided to establish the United Nations Operation in Burundi (ONUB), authorizing it to use “all necessary means” to carry out the following mandate: ensure the respect of ceasefire agreements; carry out disarmament and demobilization activities; monitor the quartering of the armed forces of Burundi and their heavy weapons; monitor the illegal flow of arms across the national borders; contribute to the creation of the necessary security conditions for the provision of humanitarian assistance, and facilitate the voluntary return of refugees and internally displaced persons; contribute to the successful completion of the electoral process stipulated in the Arusha Agreement; protect civilians under imminent threat of physical violence; and ensure the protection of United Nations personnel, facilities, installations and equipment, as well as the security and freedom of movement of ONUB personnel, and to coordinate and conduct, as appropriate, mine action activities in support of its mandate.⁴⁶⁴ The mission’s mandate, including the authorization to use “all necessary means”, was extended several times by subsequent Council resolutions.⁴⁶⁵

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, the Council authorized the European Union to deploy, for a period of one year, an operation aimed at supporting the United Nations Mission in the Central African Republic and Chad, and decided that the European Union operation would be authorized to take “all necessary measures”, within its capabilities and its area of operation in eastern Chad and the north-eastern Central African Republic, to fulfil the following functions: contribute to protecting civilians in danger, particularly refugees and displaced persons; facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel; and contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel. The Council further authorized the European Union, at the close of the one-year period, to take “all appropriate measures” to achieve an orderly disengagement, by

⁴⁶⁴ Resolution 1545 (2004), paras. 2 and 5.

⁴⁶⁵ Resolutions 1577 (2004), para. 1; 1602 (2005), para. 1; 1641 (2005), para. 1; 1650 (2005), para. 2; and 1692 (2006), para. 1.

means including fulfilment of the above-mentioned functions and within the limits of its residual capacity.⁴⁶⁶

The situation in Côte d’Ivoire

By resolution 1528 (2004) of 27 February 2004, the Council decided to establish, as from 4 April 2004 and for an initial period of 12 months, the United Nations Operation in Côte d’Ivoire (UNOCI), and authorized it to use “all necessary means”, within its capabilities and its areas of deployment, to carry out its mandate which included tasks related to monitoring the ceasefire and the movements of armed groups; disarmament, demobilization, reintegration, repatriation and resettlement; protection of United Nations personnel, institutions and civilians; support for humanitarian assistance; support for the implementation of the peace process; assistance in the field of human rights; public information; and law and order. The Council authorized, as from 4 April 2004 and for a period of 12 months, the French forces to use “all necessary means” in order to support UNOCI, and in particular to contribute to the general security of the area of activity of the international forces; intervene at the request of UNOCI in support of its elements whose security might be threatened; intervene against belligerent actions, if the security conditions so required, outside the areas directly controlled by UNOCI; and help to protect civilians in the deployment areas of their units.⁴⁶⁷ The mission’s mandate was extended several times by subsequent Council resolutions.⁴⁶⁸

By resolution 1609 (2005) of 24 June 2005, the Council decided to extend the mandate of UNOCI and of the French forces supporting it and reauthorized the mission to use “all necessary means” to carry out its mandate.⁴⁶⁹ The Council modified the mission’s mandate to include additional tasks related to the disarmament and dismantling of militias; monitoring the arms embargo; support for the redeployment of State

⁴⁶⁶ Resolution 1778 (2007), para. 6.

⁴⁶⁷ Resolution 1528 (2004), paras. 1, 6, 8 and 16.

⁴⁶⁸ Resolutions 1594 (2005), para. 1; 1600 (2005), para. 5; and 1603 (2005), para. 11. By para. 2 of resolution 1584 (2005) of 1 February 2005, the Council also authorized UNOCI and the French forces supporting it, within the mandate set out in resolution 1528 (2004), to monitor the implementation of the measures imposed by resolution 1572 (2004) as well as to collect arms and any related materiel brought into the country in violation of the arms embargo.

⁴⁶⁹ Resolution 1609 (2005), paras. 1 and 8.

administration; and support for the organization of open, free, fair and transparent elections. The Council also reauthorized the French forces in Côte d'Ivoire to use "all necessary means" to support UNOCI, and added to their mandate the task of contributing to monitoring the arms embargo established by resolution 1572 (2004).⁴⁷⁰ The mandate was extended twice by subsequent Council resolutions.⁴⁷¹

By resolution 1739 (2007) of 10 January 2007, the Council further extended the mandate of UNOCI and of the French forces which supported it and reauthorized the mission to use "all necessary means" to carry out its mandate.⁴⁷² The Council modified the mission's mandate to include the tasks of identification of the population and registration of voters, as well as assisting in the reform of the security sector. The Council also reauthorized the French forces in Côte d'Ivoire to use "all necessary means" to support UNOCI, and added to their mandate the task of contributing to the drawing up of a plan on the restructuring of the defence and security forces and to the preparation of possible seminars on security sector reform organized by the African Union and the Economic Community of West African States.⁴⁷³ The mandate of UNOCI and of the French forces was subsequently extended twice by the Council.⁴⁷⁴

The situation concerning the Democratic Republic of the Congo

By resolution 1533 (2004) of 12 March 2004, the Council requested the United Nations Mission in the Democratic Republic of the Congo (MONUC) to continue to use "all means" within its capabilities to fulfil its mandate as set out in resolution 1493 (2003), and in particular to inspect, without notice, as it deemed necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri.⁴⁷⁵ The mission's mandate was extended by resolution 1555 (2004) of 29 July 2004.

By resolution 1565 (2004) of 1 October 2004, the Council decided to extend and modify the MONUC mandate, to include, inter alia, the tasks of protecting civilians, humanitarian and United Nations personnel, maintaining a presence in the key areas of potential volatility as well as supporting the Government of National Unity and Transition in a number of areas. The Council authorized MONUC to use "all necessary means" to carry out its mandated tasks.⁴⁷⁶

By resolution 1592 (2005) of 30 March 2005, the Council decided to extend the Mission's mandate as set out by resolution 1565 (2004) and emphasized that the Mission was authorized to use "all necessary means" to deter any attempt at the use of force that threatened the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-Rwandan Armed Forces and Interahamwe. The Council encouraged the Mission to continue to make "full use" of its mandate under resolution 1565 (2004) in the eastern part of the Democratic Republic of the Congo and stressed that, in accordance with its mandate, the Mission might use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continued to use violence in those areas.⁴⁷⁷ The Mission's mandate was extended several times by subsequent Council resolutions.⁴⁷⁸

By resolution 1671 (2006) of 25 April 2006, the Council took note of the letter dated 30 March 2006 from the representative of the Democratic Republic of the Congo addressed to the President of the Security Council⁴⁷⁹ and of the support of the Government of the Democratic Republic of the Congo for the temporary deployment of a European Union force to support MONUC during the period encompassing the elections in the Democratic Republic of the Congo.⁴⁸⁰ The Council authorized the European Union force to take "all necessary measures" to carry out within its means and capabilities the following tasks: to support MONUC in

⁴⁷⁰ Ibid., paras. 2 and 12.

⁴⁷¹ Resolutions 1652 (2006), para. 1; and 1726 (2006), para. 1.

⁴⁷² Resolution 1739 (2007), paras. 1 and 5.

⁴⁷³ Ibid., paras. 2 and 8.

⁴⁷⁴ Resolutions 1763 (2007), para. 1; and 1765 (2007), para. 1.

⁴⁷⁵ Resolution 1533 (2004), para. 3.

⁴⁷⁶ Resolution 1565 (2004), paras. 1, 4, 5 and 6. See also chap. V, part I, sect. F.

⁴⁷⁷ Resolution 1592 (2005), paras. 1 and 7.

⁴⁷⁸ Resolutions 1628 (2005), para. 1; 1635 (2005), para. 1; 1649 (2005), para. 11; 1693 (2006), para. 1; 1711 (2006), para. 1; 1742 (2007), para. 1; 1751 (2007), para. 1; 1756 (2007), para. 1; and 1794 (2007), para. 1.

⁴⁷⁹ S/2006/203.

⁴⁸⁰ Resolution 1671 (2006), para. 1.

stabilizing the situation, in case the Mission faced serious difficulties in fulfilling its mandate within its existing capabilities; to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment and without prejudice to the responsibility of the Government of the Democratic Republic of the Congo; to contribute to airport protection in Kinshasa; to ensure the security and freedom of movement of the personnel as well as the protection of the installations of the European Union force; and to execute operations of limited character in order to extract individuals in danger.⁴⁸¹

By resolution 1794 (2007) of 21 December 2007, the Council extended the mandate of MONUC and encouraged the Mission, emphasizing that the protection of civilians should be given priority in decisions about the use of available capacity and resources, to use “all necessary means” to support the integrated brigades of the armed forces of the Democratic Republic of the Congo with a view to disarming the recalcitrant foreign and Congolese armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration processes. The Council also reiterated the Mission’s mandate to use all necessary means to protect civilians under imminent threat of physical violence, particularly in the Kivus.⁴⁸²

The question concerning Haiti

By resolution 1529 (2004) of 29 February 2004, the Council authorized the deployment of the Multinational Interim Force in Haiti for a period of “not more than three months” to contribute to a secure and stable environment in the Haitian capital and elsewhere in the country; facilitate the provision of humanitarian assistance and the access of international humanitarian workers to the Haitian people in need; facilitate the provision of international assistance to the Haitian police and the Haitian Coast Guard in order to establish and maintain public safety and law and order and to promote and protect human rights; support the establishment of conditions for international and regional organizations, including the United Nations and the Organization of American States (OAS), to assist the Haitian people; and coordinate, as needed, with the OAS Special Mission and with the United

⁴⁸¹ *Ibid.*, para. 8.

⁴⁸² Resolution 1794 (2007), paras. 1, 5 and 8.

Nations Special Adviser for Haiti, to prevent further deterioration of the humanitarian situation. The Council authorized the Member States participating in the Multinational Interim Force to take “all necessary measures” to fulfil its mandate.⁴⁸³

By resolution 1542 (2004) of 30 April 2004, while authorizing remaining elements of the Multinational Interim Force to continue to carry out their mandate under resolution 1529 (2004) for a transition period not exceeding 30 days, the Council established the United Nations Stabilization Mission in Haiti (MINUSTAH) and requested that authority be transferred from the Multinational Interim Force to MINUSTAH on 1 June 2004. The Council authorized remaining elements of the Multinational Interim Force to continue to carry out their mandate under resolution 1529 (2004) within the means available from 1 June 2004, as required and requested by MINUSTAH. Acting under Chapter VII of the Charter, the Council decided that the mandate of MINUSTAH would include tasks related to supporting the political process and the Transitional Government, ensuring a secure and stable environment, and protecting United Nations personnel, facilities, installations and equipment as well as civilians under imminent threat.⁴⁸⁴ The Mission’s mandate was extended several times by subsequent Council resolutions.⁴⁸⁵

The situation between Iraq and Kuwait

By resolution 1546 (2004) of 8 June 2004, noting that the presence of the multinational force in Iraq was at the request of the incoming Interim Government of Iraq, the Council reaffirmed the authorization for the multinational force established under resolution 1511 (2003) to take “all necessary measures” to contribute to the maintenance of security and stability in Iraq, including by preventing and deterring terrorism, so that the United Nations could fulfil its role in assisting the Iraqi people through the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq (UNAMI).⁴⁸⁶

⁴⁸³ Resolution 1529 (2004), paras. 2 and 6.

⁴⁸⁴ Resolution 1542 (2004), paras. 1, 2 and 7.

⁴⁸⁵ Resolutions 1576 (2004), para 1; 1601 (2005), para. 1; 1608 (2005), para. 1; 1658 (2006), para. 1; 1702 (2006), para. 1; 1743 (2007), para. 1; and 1780 (2007), para 1.

⁴⁸⁶ Resolution 1546 (2004), paras. 1, 9 and 10. For the mandate of the United Nations Assistance Mission for Iraq, see para. 7 of the resolution.

The situation in the Middle East

By resolution 1701 (2006) of 11 August 2006, having determined that the situation in Lebanon constituted a threat to international peace and security, the Council decided to increase the number of troops of the United Nations Interim Force in Lebanon (UNIFIL) and modified the Force's mandate. Acting in support of a request of the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, although not acting explicitly under Chapter VII of the Charter, the Council authorized UNIFIL to take "all necessary action" to ensure that its area of operations was not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel and humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence.⁴⁸⁷ The Council subsequently renewed the Force's mandate by resolution 1773 (2007) of 24 August 2007.

The situation in Sierra Leone

By resolution 1537 (2004) of 30 March 2004, the Council further extended the mandate of the United Nations Mission in Sierra Leone (UNAMSIL) until 30 September 2004, which included the authorization to take the "necessary action" to fulfil its mandate pursuant to resolution 1289 (2000).⁴⁸⁸

By resolution 1562 (2004) of 17 September 2004, the Council welcomed further progress towards the drawdown of UNAMSIL and decided to extend the Mission's mandate until 30 June 2005, authorizing the residual Mission presence to use "all necessary means" to carry out its mandate, which included military, civilian police and civilian tasks.⁴⁸⁹ The Council extended the Mission's mandate, for the last time, by resolution 1610 (2005) of 30 June 2005 until 31 December 2005.

⁴⁸⁷ Resolution 1701 (2006), paras. 11 and 12.

⁴⁸⁸ Resolution 1537 (2004), para. 1.

⁴⁸⁹ Resolution 1562 (2004), paras. 1, 2 and 3.

The situation in Somalia

By resolution 1744 (2007) of 20 February 2007, the Council decided to authorize Member States of the African Union to establish a mission in Somalia (AMISOM), and empowered it to take "all necessary measures" to carry out its mandate to support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the political peace process; provide protection to the transitional federal institutions to help them carry out their functions of government, and security for key infrastructure; assist with the implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces; contribute to the creation of the necessary security conditions for the provision of humanitarian assistance; and protect its personnel, facilities, installations, equipment and mission, and ensure the security and freedom of movement of its personnel.⁴⁹⁰ The Mission's mandate was renewed by resolution 1772 (2007) of 20 August 2007.

Reports of the Secretary-General on the Sudan

By resolution 1590 (2005) of 24 March 2005, the Council established the United Nations Mission in the Sudan (UNMIS), and authorized it to take the "necessary action", in the areas of deployment of its forces and as it deemed within its capabilities, to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under imminent threat of physical violence.⁴⁹¹ The Mission's mandate was extended twice by subsequent Council resolutions.⁴⁹²

⁴⁹⁰ Resolution 1744 (2007), para. 4. Prior to the authorization to the African Union to establish AMISOM, the Council, by resolution 1725 (2006) of 6 December 2006 (para. 3), acting under Chapter VII of the Charter, had authorized the Intergovernmental Authority on Development and States members of the African Union to establish a peacekeeping operation in Somalia, but that peacekeeping operation was never deployed.

⁴⁹¹ Resolution 1590 (2005), paras. 1 and 16.

⁴⁹² Resolutions 1627 (2005), para. 1; and 1663 (2006), para. 1.

By resolution 1706 (2006) of 31 August 2006, the Council decided to expand and strengthen the mandate of UNMIS to support the implementation of the Darfur Peace Agreement of 5 May 2006 and the N'Djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur. The Mission's mandate was extended several times by subsequent Council resolutions.⁴⁹³

By resolution 1769 (2007) of 31 July 2007, in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of the negotiations between the parties to the conflict in Darfur, the Council decided to authorize the establishment of the African Union-United Nations Hybrid Operation in Darfur. The Council decided that UNAMID was authorized to take the "necessary action" in the areas of deployment of its forces and as it deemed within its capabilities to protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers; and support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of the Sudan.⁴⁹⁴

B. Discussion relating to Article 42

Reports of the Secretary-General on the Sudan

At its 5519th meeting, on 31 August 2006, the Council adopted resolution 1706 (2006), by which it decided to expand the mandate of UNMIS and to deploy the Mission to Darfur. During the debate following the vote, the representative of the United Kingdom declared that by giving the Mission a "clear Chapter VII mandate to use all necessary means to protect civilians", the Council had fulfilled its responsibility to the people of Darfur. She further noted that the countries that had abstained from the voting did not have a "fundamental disagreement" with the principle that the United Nations should "take over",

but that the issue was more one of timing. She asserted that the United Kingdom had drafted the resolution in such a way as to make it "as acceptable as possible" to the Sudan, by not making references to the International Criminal Court and by not placing the entire resolution under Chapter VII, but only the provisions referring to the protection of civilians and to UNMIS.⁴⁹⁵

At its 5520th meeting, on 11 September 2006, the Council heard a briefing by the Secretary-General on the situation in Darfur. The Secretary-General expressed his concern at the worsening humanitarian situation and the escalation of renewed fighting in the region and urged the international community to take urgent action.⁴⁹⁶ During the debate, the representative of the United States declared that the adoption of resolution 1706 (2006) was the first step towards improving the situation in Darfur and that the next step would be to implement it. However, he noted that the Government of the Sudan had taken a step backwards by threatening the expulsion of the African Union Mission in the Sudan (AMIS) by the end of the month and its replacement by national forces.⁴⁹⁷ The representative of the United Kingdom questioned the assertion that a United Nations peacekeeping force in Darfur would be a breach of the sovereignty of the Sudan by recalling that no such charges had been levied against the deployment of UNMIS in southern Sudan. As for the lack of consultations, he noted that there had been countless discussions and insisted that if the force was not deployed, there would be a real crisis.⁴⁹⁸ In contrast, the representative of China stated that the Council should continue to seek the consent and cooperation of the Government regarding the deployment of United Nations peacekeeping troops; it should respect the views of the national Government and no peacekeeping operation should be imposed.⁴⁹⁹ Concurring with this statement, the representative of the Russian Federation expressed the belief that the use of force to stabilize the situation in Darfur would lead to an impasse, because any Security Council decision pertaining to peacekeeping should take into account the views of the host Government. Unfortunately, the Council had adopted resolution 1706 (2006) hastily,

⁴⁹³ Resolutions 1709 (2006), para. 1; 1714 (2006), para. 1; 1755 (2007), para. 1; and 1784 (2007), para. 1.

⁴⁹⁴ Resolution 1769 (2007), paras. 1 and 15. The mandate of UNAMID was set out in the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur (S/2007/307/Rev.1, paras. 54 and 55).

⁴⁹⁵ S/PV.5519, pp. 3-4.

⁴⁹⁶ S/PV.5520, pp. 2-4.

⁴⁹⁷ *Ibid.*, pp. 7-8.

⁴⁹⁸ *Ibid.*, pp. 8-9.

⁴⁹⁹ *Ibid.*, pp. 11-12.

without consulting the Government of the Sudan.⁵⁰⁰ Other Council members, including Slovakia, France and Peru, asserted that the Council should ensure the implementation of resolution 1706 (2006) as it provided a basis for the international community to protect civilians on the ground.⁵⁰¹

At its 5727th meeting, on 31 July 2007, the Council unanimously adopted resolution 1769 (2007), by which, inter alia, it decided to authorize the establishment of UNAMID in support of the early and effective implementation of the Darfur Peace Agreement. During the debate, many members welcomed the Secretary-General's commitment to the process and agreed that, while the hybrid force was an important step forward, it should have been part of a comprehensive approach that could secure a political settlement. The representative of Belgium said that by giving the mission a robust mandate and an effective command structure, the Council had added a crucial instrument both for protecting the civilian population and for seeking a solution to the crisis.⁵⁰²

Non-proliferation of weapons of mass destruction

At its 4950th meeting, on 22 April 2004, the Council held an open debate on the issue of non-proliferation of weapons of mass destruction and non-State actors.⁵⁰³ A number of representatives underlined the importance of having the draft resolution adopted under Chapter VII of the Charter in order for the Council to send a strong political signal and to underline the binding nature of the requirement to establish controls with respect to weapons of mass destruction.⁵⁰⁴ They pointed out that the reference to Chapter VII of the Charter would not automatically authorize the use of force in cases of non-compliance, the representative of the United Kingdom emphasizing that any enforcement action would require a new decision by the Council.⁵⁰⁵

⁵⁰⁰ Ibid., p. 13.

⁵⁰¹ Ibid., pp. 14-15 (Slovakia); pp. 16-17 (France); and pp. 19-20 (Peru).

⁵⁰² S/PV.5727, pp. 6-7.

⁵⁰³ At the meeting several speakers referred to a draft resolution that was not issued as a document of the Security Council.

⁵⁰⁴ S/PV.4950, pp. 6-8 (Spain); pp. 8-9 (France); pp. 11-12 (United Kingdom); pp. 17-18 (United States); and pp. 20-21 (New Zealand).

⁵⁰⁵ Ibid., p. 12.

Other speakers voiced their concern about the invocation of Chapter VII of the Charter.⁵⁰⁶ For instance, noting that the draft resolution contained provisions whose implementation would not include enforcement action, the representative of Chile suggested that only certain operative paragraphs of the resolution should be adopted under Chapter VII.⁵⁰⁷ Other speakers believed that the draft resolution should not invoke Chapter VII at all, since all decisions of the Council were mandatory under Article 25 of the Charter.⁵⁰⁸ The representative of Pakistan held that there was "no justification" for the adoption of the draft resolution under Chapter VII of the Charter as the threat posed by the proliferation of weapons of mass destruction among non-State actors was not imminent and did not constitute a threat to peace and security. He further deemed that the language used in the draft resolution gave rise to a legitimate fear that the text authorized the "coercive actions" envisaged by Articles 41 and 42 of the Charter.⁵⁰⁹ The representative of Cuba emphasized that the adoption of the draft resolution under Chapter VII of the Charter could not be interpreted as a pre-authorization or justification for the unilateral use of force against given States because of alleged suspicions of proliferation of weapons of mass destruction or their components.⁵¹⁰

Protection of civilians in armed conflict

At the 5100th meeting, on 14 December 2004, the representative of France noted that the protection of civilian populations in armed conflict had become a major issue for international peace and security. He opined that the matter should be treated from the standpoint of collective security and the use of force because States had a collective obligation to protect when a State was no longer able to protect its population.⁵¹¹ Endorsing the report of the High-level Panel on Threats, Challenges and Change,⁵¹² the representative of Canada recommended that, as specified in the report, the Council should adopt the basic criteria for the authorization of the use of force,

⁵⁰⁶ Ibid., p. 24 (India); and pp. 31-32 (Indonesia); S/PV.4950 (Resumption 1), p. 14 (Nepal); and p. 15 (Nigeria).

⁵⁰⁷ S/PV.4950, p. 11.

⁵⁰⁸ Ibid., p. 4 (Brazil); and p. 5 (Algeria); S/PV.4950 (Resumption 1), p. 4 (Malaysia); and p. 11 (Jordan).

⁵⁰⁹ S/PV.4950, p. 15.

⁵¹⁰ Ibid., p. 30.

⁵¹¹ S/PV.5100, p. 12.

⁵¹² A/59/565, and Corr. 1.

providing elements of a critical framework for Council action, in connection with the collective international responsibility to protect.⁵¹³

At the 5209th meeting, on 21 June 2005, the representative of Peru expressed the view that the Council should undertake a “systematic evaluation” of mandates pertaining to the protection of civilians, including measures taken pursuant to Chapter VII of the Charter, so as to enhance its capacity to protect.⁵¹⁴ Similarly, the representative of Canada pointed out that there was a need for the Council to reach an agreement on how it would apply Chapter VII of the Charter in response to attacks against civilians, particularly in internal conflicts.⁵¹⁵ The representative of Norway endorsed the Secretary-General’s appeal to embrace the principle of the responsibility to protect as a norm for collective action in cases of genocide, ethnic cleansing and crimes against humanity. He therefore concluded that the Council should adopt a resolution setting out principles for the use of force, in accordance with the norms of international law, and express its intention to be guided by them.⁵¹⁶

At the 5319th meeting, on 9 December 2005, in connection with the report of the Secretary-General on the protection of civilians in armed conflict,⁵¹⁷ the representative of Peru remarked that in various situations of conflict throughout the world the United Nations had been unable to prevent genocide and ethnic cleansing. He further conveyed his Government’s view that the Council should focus on the concept of responsibility to protect, which included the responsibility to respond, in extreme cases, with coercive measures including, inter

alia, the use of force.⁵¹⁸ The representative of Canada, speaking also on behalf of Australia and New Zealand, believed that the Council’s engagement, in cases in which it was justified, had to be timely, its monitoring vigilant, and its political will sustained, so that the Council could draw on the full range of measures at its disposal to protect civilian populations, including, as a last resort, the use of force. He further stated that a Council resolution should clarify the Council’s resolve to act, including through enforcement action under Chapter VII, in response to serious violations of international humanitarian law, including genocide, war crimes and crimes against humanity, should peaceful means be inadequate and should national authorities manifestly fail to protect their populations.⁵¹⁹ The representative of Denmark, reinforced by a number of other speakers, observed that, in accordance with one of the main purposes of the Charter, the international community had to take appropriate action to protect civilians, first through peaceful means. However, in the event that those means failed, she opined that the international community had a responsibility to use all necessary and available means, including collective action in accordance with Chapter VII of the Charter, to put an end to ongoing acts of genocide, war crimes, ethnic cleansing and crimes against humanity.⁵²⁰

At the 5476th meeting, on 28 June 2006, the representative of Canada reiterated the call for criteria to guide the use of force in situations in which diplomatic efforts proved unsuccessful in preventing gross and systematic violations of human rights and humanitarian law. He further stated that, until such criteria were adopted, the Council should focus on the design and use of tailored and robust multidimensional mandates for civilian protection where a physical international presence was required, backed up by the necessary means and capabilities.⁵²¹ Referring to Darfur, the representative of Peru expressed his Government’s support for giving AMIS a robust mandate to enable it to protect civilians. He further insisted on a United Nations force to be deployed in Darfur with a clear mandate to implement peace agreements and to protect civilians under Chapter VII of the Charter.⁵²²

⁵¹³ S/PV.5100 (Resumption 1), p. 5.

⁵¹⁴ S/PV.5209, p. 23.

⁵¹⁵ *Ibid.*, p. 28.

⁵¹⁶ *Ibid.*, p. 31.

⁵¹⁷ S/2005/740. In his report, the Secretary-General recalled his report entitled “In larger freedom” (A/59/5005), in which he had developed further the concept of the “responsibility to protect”, elements of which have been reiterated in resolutions such as those related to children and armed conflict. The Secretary-General was pleased that the World Summit Outcome (General Assembly resolution 60/1) emphasized the responsibility of the international community to seek appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII, and if necessary, in accordance with Chapter VII on a case-by-case basis, to provide protection from genocide, crimes against humanity, war crimes and ethnic cleansing (S/2005/740, para. 53).

⁵¹⁸ S/PV.5319, p. 13.

⁵¹⁹ *Ibid.*, p. 15.

⁵²⁰ *Ibid.*, p. 31 (Denmark); S/PV.5319 (Resumption 1), p. 17 (Republic of Korea, Spain); and p. 19 (Rwanda).

⁵²¹ S/PV.5476, p. 28.

⁵²² *Ibid.*, p. 18.

At the 5703rd meeting, on 22 June 2007, the representative of Qatar noted that, although at the theoretical level the responsibility to protect civilians was an important humanitarian principle, from a practical and operation perspective the Council should be cautious in dealing with it so that it would not be exploited or abused. He insisted that peacekeeping, humanitarian relief operations, and other forms of intervention under Chapter VII of the Charter in conflict areas were merely contingency solutions and called for urgent action to end conflicts in a definitive manner.⁵²³ The representative of Mexico stated that the lessons learned from the atrocities committed in the Balkans and Rwanda had proved the need to define clear rules according to which the Council could authorize resolutions under Chapters VI and VII of the Charter to act against such crimes.⁵²⁴ The representative of Canada cited resolution 1674 (2006), by which the Council had a unique responsibility to protect civilians from the most acute threats to their personal security, including through enforcement action under Chapter VII.⁵²⁵

Strengthening international law: rule of law and maintenance of international peace and security

At its 5474th meeting, on 22 June 2006, the Council considered the relationship between the rule of law and international peace and security from the perspective of the role played by the Council in that process. The representative of the Russian Federation remarked that the Council had, in recent years, increased its recourse to Chapter VII of the Charter. He emphasized that recourse to Chapter VII was justified only in situations where the Council had determined that there was a threat to peace or a violation of international law in a given region. He said that discussion of enforcement measures and use of force could take place only once all other avenues of ensuring international peace and security had been exhausted.⁵²⁶ The representative of Canada, speaking also on behalf of Australia and New Zealand, stressed that the Council's endorsement of the responsibility to protect concept must be put into credible and consistent practice. The Council must be timely in its engagement and vigilant in its monitoring and if it had the political

⁵²³ S/PV.5703, pp. 11-12.

⁵²⁴ Ibid., p. 29.

⁵²⁵ Ibid., p. 35.

⁵²⁶ S/PV.5474, p. 17.

will, when non-coercive options proved inadequate, to have full recourse to its powers under Article 42. He added that when such action was authorized, the Council should ensure that the operation was designed to maximize the prospects of success and that the use of military force was proportional to the threat.⁵²⁷ The representative of Switzerland noted that the Council had the responsibility to promote the rule of law and international law. He suggested that one way in which the Council could contribute practically was by adopting a set of principles on the issue of authorizing the use of force, as suggested by the Secretary-General in his report entitled "In larger freedom".⁵²⁸ Similarly, the representative of Norway held the view that the most important contribution the United Nations could make to peace and security was supporting a world order in which the use of force was regulated by international law.⁵²⁹ The representative of Venezuela (Bolivarian Republic of) noted that the Council had previously had recourse to the provisions of Articles 41 and 42 of the Charter in too hasty a manner, before the mechanisms provided for the pacific settlement of disputes had been fully exhausted. He further recommended curbing that tendency in order to strengthen the legitimacy of the Council.⁵³⁰

United Nations peacekeeping operations

At its 4970th meeting, on 17 May 2004, the Council considered the challenges associated with United Nations peacekeeping operations and ways of increasing the effectiveness of such operations. The representative of the Russian Federation highlighted the substantial role played by peacekeeping operations in the maintenance of international peace and security and stressed that there should be no circumvention of the Council's powers, especially in situations in which the use of force was made on behalf of the international community. He further emphasized that military action was undoubtedly an extreme recourse and that the nature of such action should be agreed upon and should be rational and sufficient.⁵³¹ The representatives of Brazil and Argentina believed that the Council should keep the use of Chapter VII to a minimum and only

⁵²⁷ S/PV.5474 (Resumption 1), pp. 7-8.

⁵²⁸ Ibid., p. 10. For the report of the Secretary-General, see A/59/2005.

⁵²⁹ Ibid., p. 17.

⁵³⁰ Ibid.

⁵³¹ S/PV.4970, p. 16.

when strictly necessary when defining the mandates of forces that it authorized.⁵³² While speakers concurred that United Nations peacekeepers needed robust rules of engagement, the representatives of Algeria and Bangladesh cautioned that mandates had to also be matched with the principle of non-use of force except in self-defence.⁵³³ The representative of Canada

⁵³² Ibid., p. 18 (Brazil); S/PV.4970 (Resumption 1), p. 20 (Argentina).

⁵³³ S/PV.4970, p. 12 (Algeria); S/PV.4970 (Resumption 1), p. 7 (Bangladesh).

emphasized the increasing role of regional organizations and coalitions of the willing as partners of the United Nations in supporting field operations. He stressed that such arrangements were all the more important as the Council increasingly recognized the need for Chapter VII mandates that permitted the use of force to establish secure environments, re-establish law and order, deter spoilers, and protect civilians.⁵³⁴

⁵³⁴ S/PV.4970 (Resumption 1), p. 17.

Part V

Decisions and deliberations having relevance to Articles 43 to 47 of the Charter

Article 43

1. *All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*
2. *Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*
3. *The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.*

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of 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

Articles 43 to 47 of the Charter provide for arrangements intended to govern the relationship between the Security Council and the Member States contributing troops for the purpose of the maintenance of international peace and security. During the period under review, the Council, in a number of decisions and deliberations, touched upon such arrangements in the context of enhancing United Nations peacekeeping as well as its consultations with troop-contributing countries.

The Council did not explicitly refer to Articles 43 and 44 of the Charter in any of its decisions. The Council did however adopt decisions by which it called upon States to provide armed forces and assistance related to enforcement actions by United Nations peacekeeping operations, and which are therefore of relevance to the interpretation of Article 43.⁵³⁵ In connection with the United Nations peacekeeping operations deployed in Côte d'Ivoire, Haiti, Iraq, the Middle East and the Sudan, the Council held a number of meetings which are relevant to the application of Article 43. With regard to Article 44, the Council adopted one presidential statement in relation to the United Nations peacekeeping operations, by which it recognized the importance of increasingly involving the troop-contributing countries in the planning and mandate review phases of missions. The need for increased involvement by troop-contributing countries was also considered by the Council at two debates.

⁵³⁵ See chapter 5 for additional details on arrangements concerning peacekeeping missions and other measures used by subsidiary organs of the Council to give effect to its decisions.

During the period under review, the Council continued to hold private meetings with troop-contributing countries, in accordance with resolution 1353 (2001). The Council held 90 private meetings with countries contributing troops to the United Nations missions in Burundi, Côte d'Ivoire, Cyprus, the Democratic Republic of the Congo, Ethiopia and Eritrea, Georgia, Haiti, Lebanon, Liberia, Sierra Leone, the Sudan, Timor-Leste and Western Sahara, as well as to the United Nations Disengagement Observer Force, in the Middle East.

During the period, while the Council did not adopt any resolutions referring to Article 45 of the Charter, it held one constitutional discussion in connection with the situation in the Sudan, which is relevant to the application and interpretation of the Article.

The Council did not adopt any decisions under Articles 46 and 47. However, the possibility of reactivating the Military Staff Committee was raised by a Council member at two meetings, in connection with threats to international peace and security and United Nations peacekeeping operations.

This part is divided into five sections. Section A describes the measures that the Council adopted on the basis of the principles enshrined in Article 43, while section B outlines the salient issues raised in the Council's deliberations relevant to that Article. Section C covers the decision relevant to the principles contained in Article 44, while section D presents the constitutional discussions relating to that Article. Sections E and F deal with the Council's deliberations relating to Articles 45 and 46 and 47, respectively.

A. Decisions relating to Article 43

United Nations peacekeeping operations

By a statement of the President dated 17 May 2004, while noting the increase in demand for United Nations peacekeeping operations, the Council recognized the challenges the surge posed for the United Nations system in terms of generating the necessary resources, personnel and other capabilities. The Council called on States to ensure that the Organization was provided with "full political and financial support". The Council also stressed the importance of ensuring that, while meeting the demand for new peacekeeping operations, the resources available for, and effective management of, the existing operations were not adversely affected. Underscoring the need for "efficient

and effective management of resources”, the Council called upon States to contribute “sufficient levels” of trained troops, police and civilian personnel, to allow the multiple operations to start “optimally” and fulfil their respective mandates in an effective manner.⁵³⁶

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, authorizing the establishment in Chad and the Central African Republic of a multidimensional presence which would include, for a period of one year, the United Nations Mission in the Central African Republic and Chad, the Council urged all States, particularly those bordering Chad and the Central African Republic, to facilitate the delivery of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the Mission.⁵³⁷

The question concerning Haiti

By resolution 1702 (2006) of 15 August 2006, the Council decided to extend the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH) and urged States to provide enough well-qualified, particularly francophone, police candidates, to ensure full staffing of the MINUSTAH police and, in particular, to provide specific expertise in anti-gang operations, corrections and other specializations identified as necessary in the report of the Secretary-General.⁵³⁸

The situation in the Middle East

By resolution 1701 (2006) of 11 August 2006, the Council authorized an increase in the force strength of United Nations Interim Force in Lebanon (UNIFIL) to a maximum of 15,000 troops, and urged States to consider making appropriate contributions to UNIFIL, to respond positively to requests for assistance from the Force, and expressed its strong appreciation to those who had contributed to the Force in the past.⁵³⁹

Reports of the Secretary-General on the Sudan

By resolution 1590 (2005) of 24 March 2005, the Council decided to establish the United Nations

Mission in the Sudan (UNMIS) for an initial period of six months, and called upon States to ensure the free, unhindered, and expeditious movement to the Sudan of all personnel, as well as equipment, provisions, supplies, and other goods, including vehicles and spare parts, which were for the exclusive and official use of UNMIS.⁵⁴⁰ The Council extended the mandate of UNMIS and reiterated its call to States by resolution 1706 (2006) of 31 August 2006.

By resolution 1769 (2007) of 31 July 2007, the Council authorized the establishment of an African Union-United Nations Hybrid Operation in Darfur (UNAMID), and called on States to finalize their contributions to UNAMID within 30 days of the adoption of the resolution. The Council also called upon States to facilitate the free, unhindered and expeditious movement to the Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which were for the exclusive use of UNAMID in Darfur. Emphasizing the “urgent need” to mobilize the financial, logistical, and other support required for the African Union Mission in the Sudan (AMIS), the Council called on States and regional organizations to provide “further assistance”, in particular to permit the early deployment of two additional battalions during the transition from AMIS to UNAMID.⁵⁴¹

B. Discussion relating to Article 43

The situation in Côte d’Ivoire

At its 5152nd meeting, on 28 March 2005, the Council heard a briefing by the Principal Deputy Special Representative of the Secretary-General for Côte d’Ivoire, who stressed the need to strengthen the United Nations Operation in Côte d’Ivoire (UNOCI) and noted that if two major conflicts occurred in Côte d’Ivoire at the same time, the mission would not be able to respond effectively, pointing to the additional responsibilities given to UNOCI by resolution 1584 (2005).⁵⁴² In their remarks, a number of representatives acknowledged the mission’s difficulties in carrying out its mandate effectively, and expressed their support for strengthening UNOCI in line with the Secretary-General’s recommendation regarding the deployment

⁵³⁶ S/PRST/2004/16.

⁵³⁷ Resolution 1778 (2007), paras. 1, 2 and 14.

⁵³⁸ Resolution 1702 (2006), paras. 1 and 5. For the report of the Secretary-General, see S/2006/592.

⁵³⁹ Resolution 1701 (2006), paras. 11 and 13.

⁵⁴⁰ Resolution 1590 (2005), paras. 1 and 8.

⁵⁴¹ Resolution 1769 (2007), paras. 1, 4, 10 and 11.

⁵⁴² S/PV.5152, pp. 4-5.

of 1,226 troops.⁵⁴³ The representative of South Africa stated that the Forces nouvelles had declared that they feared being attacked once they moved their forces into the disarmament, demobilization and reintegration sites, and supported the proposal made by the mediation team that an African country be approached to supply additional forces to UNOCI with a view to securing the disarmament, demobilization and reintegration sites.⁵⁴⁴ The representative of the Philippines supported this proposal, observing that having an African country supply additional forces to UNOCI could be an important incentive for combatants to begin the disarmament, demobilization and reintegration process.⁵⁴⁵ The representative of France remarked that the Ivorian parties had not abandoned the military option and that the international community was determined to enforce the arms embargo established by resolutions 1572 (2004) and 1584 (2005). He opined that, considering the lack of progress in the process of reconciliation, the strengthening of UNOCI troops was “a sine qua non and very urgent”.⁵⁴⁶ In contrast, the representative of the United States questioned the utility of expanding the strength of UNOCI beyond its current mandate, given the lack of political will shown by the parties to move the peace process forward. He further emphasized the need for progress in Côte d’Ivoire and stressed that UNOCI should use all the tools at its disposal.⁵⁴⁷ The representative of the United Kingdom stated that the Council’s strategy in Côte d’Ivoire, the number of troops and civilian police comprising UNOCI, and the mandate, rules of engagement and tasks given to the mission had to be fully consistent with one another, and supported the proposal made by the representative of France for a one-month rollover of the mandate of UNOCI, time during which the Council could reassess the situation in Côte d’Ivoire.⁵⁴⁸

At its 5169th meeting, on 26 April 2005, the Council considered the report of the Secretary-General on UNOCI.⁵⁴⁹ During the debate, the representative of South Africa opined that an improvement in the security

situation in Côte d’Ivoire could be achieved only if the United Nations and the international community were ready to act “decisively and urgently” by, among other things, increasing the capacity of UNOCI to carry out the additional tasks emanating from the Pretoria Agreement.⁵⁵⁰ Similarly, the representative of Nigeria argued that the United Nations presence in Côte d’Ivoire had to be strengthened and become visible throughout the country. He stressed that it was necessary for the Council to consider an urgent review of the mission’s mandate and to expand it, which would entail the commitment of additional resources and logistics commensurate with the situation on the ground.⁵⁵¹ The representative of France announced that in the coming days his delegation would introduce a draft resolution on the renewal of the mission’s mandate and emphasized the need to give UNOCI “all the means necessary” to carry out its mission successfully. He expressed the belief that strengthening UNOCI would facilitate the disarmament, demobilization and reintegration programme and the holding of sound elections.⁵⁵² The representative of the United Kingdom said that the Department of Peacekeeping Operations should make a “considered recommendation” regarding the timetable for the necessary additional deployment of personnel.⁵⁵³ The representatives of Benin and Romania noted that, in the context of the forthcoming elections and the launching of the disarmament, demobilization and reintegration programme, the mission’s role would increase and, therefore, expressed support for revisiting its mandate and strengthening its staff with adequate resources.⁵⁵⁴ Similarly, the representative of Denmark declared that her country supported a greater involvement of the United Nations in the peace process and an “appropriate” strengthening of UNOCI, as well as an extension of its mandate.⁵⁵⁵ The representative of Japan noted that, given the precariousness and volatility of the security situation in Côte d’Ivoire, serious deliberations with regard to a certain level of reinforcement of the peacekeeping operation were needed. He declared that his Government was ready to consider such reinforcement, in spite of the fact that the additional funds for reinforcement could be put to better use for the reconstruction and development of

⁵⁴³ Ibid., p. 10 (South Africa); p. 11 (Romania); p. 13 (Benin); p. 14 (United Republic of Tanzania); p. 15 (France); p. 17 (Algeria); p. 19 (Russian Federation); p. 20 (Greece); and p. 23 (Denmark).

⁵⁴⁴ Ibid., p. 9.

⁵⁴⁵ Ibid., p. 21.

⁵⁴⁶ Ibid., p. 15.

⁵⁴⁷ Ibid.

⁵⁴⁸ Ibid., p. 22.

⁵⁴⁹ S/2005/186.

⁵⁵⁰ S/PV.5169, p. 5.

⁵⁵¹ Ibid., pp. 5-6.

⁵⁵² Ibid., p. 7.

⁵⁵³ Ibid.

⁵⁵⁴ Ibid., p. 9 (Benin); and p. 12 (Romania).

⁵⁵⁵ Ibid., p. 14.

the country if the situation were not so precarious.⁵⁵⁶ The representative of China cautioned that the progress in the Ivorian peace process would require continued assistance from the international community and expressed his Government's readiness to study, together with other members, the issue of the extension and reinforcement of UNOCI.⁵⁵⁷

The question of Haiti

At its 5110th meeting, on 12 January 2005, the Council heard a briefing by the Special Representative of the Secretary-General and Head of MINUSTAH, who stated that if the international community provided Haiti with continued support, the country would emerge from its political and economic crisis.⁵⁵⁸ During the debate, a number of speakers commended troop-contributing countries for their contributions to MINUSTAH.⁵⁵⁹ The representative of Chile pointed out however, that resources and capacities had been made available by States but were underutilized because of a lack of financial resources. He therefore underlined the need to establish "expedited processes" to enable international organizations and donors to contribute to MINUSTAH.⁵⁶⁰ The representative of the United Republic of Tanzania urged and encouraged the "full deployment" of troops, police and other personnel by contributing countries to strengthen the Mission's ability to face the challenges of re-establishing stability and to carry out its mandate, as well as to build the capacity of the local institutions.⁵⁶¹ The representative of Ecuador endorsed a multidimensional approach to peacekeeping operations, and expressed his Government's readiness to contribute to such operations. He further pointed to the contributions in military personnel made by countries with "scarce economic resources", such as Ecuador.⁵⁶² The representative of Paraguay indicated that for "logistical reasons" beyond its control, his country had to postpone to a later stage the deployment of troops to the field.⁵⁶³

⁵⁵⁶ Ibid., p. 11.

⁵⁵⁷ Ibid., p. 18.

⁵⁵⁸ S/PV.5110, p. 3.

⁵⁵⁹ Ibid., p. 20 (Romania); p. 23 (Japan); and p. 27

(Algeria); S/PV.5110 (Resumption 1), p. 17 (Morocco).

⁵⁶⁰ S/PV.5110, p. 14.

⁵⁶¹ Ibid., p. 24.

⁵⁶² S/PV.5110 (Resumption 1), pp. 13-14.

⁵⁶³ Ibid., p. 14.

The situation in the Middle East

At its 5493rd meeting, on 21 July 2006, while considering the item entitled "The situation in the Middle East, including the Palestinian question", a number of speakers referred to the deteriorating situation in Lebanon. The representative of Peru expressed support for the substantive reinforcement of UNIFIL and its transformation into a force that would help the Lebanese authorities guarantee the full implementation of resolution 1559 (2004).⁵⁶⁴ The representative of the United Republic of Tanzania recommended the strengthening of UNIFIL to make it more responsive and effective. He noted that, in its current form, the Force was unable to discharge its mandate with regard to the Blue Line and called for a more robust force with a new concept of operation and powers.⁵⁶⁵ Similarly, the representative of Ghana stressed that the proposed deployment of an expanded international peacekeeping force along the Blue Line was of "utmost importance" and noted that the mission's effectiveness depended mainly on its military capabilities.⁵⁶⁶ The representative of Indonesia expressed support for the establishment of an international peacekeeping force under the auspices of the United Nations and indicated his Government's readiness to participate by contributing a military contingent to the force.⁵⁶⁷ The representative of Mexico also expressed support for the creation of such an international force which would gradually replace UNIFIL.⁵⁶⁸

At its 5511th meeting, on 11 August 2006, the Council unanimously adopted resolution 1701 (2006), by which it decided to supplement and enhance UNIFIL in numbers, equipment, mandate and scope of operations, and authorized an increase in the force strength of UNIFIL to a maximum of 15,000 troops. Preceding the vote, the Secretary-General stated that if UNIFIL were expected to carry out its mandate, it needed to be augmented with the "utmost urgency" and provided with "sophisticated military capabilities". He urged Council members to consult closely with both existing and potential troop contributors, with a view to generating the additional forces needed "as quickly as possible".⁵⁶⁹ The representative of the United States

⁵⁶⁴ S/PV.5493 (Resumption 1), p. 4.

⁵⁶⁵ Ibid., p. 5.

⁵⁶⁶ Ibid., pp. 8-9.

⁵⁶⁷ Ibid., p. 26.

⁵⁶⁸ Ibid., p. 45.

⁵⁶⁹ S/PV.5511, pp. 3-4.

noted that it was at the request of the Government of Lebanon that UNIFIL was given an expanded mandate, a greater scope of operations, better equipment and a sevenfold increase in its troops.⁵⁷⁰ The representative of France declared that it was “crucial” that many countries respond “favourably and expeditiously” to the request made by the Lebanese authorities by contributing to a reinforced UNIFIL. He further announced that his Government, already present in UNIFIL, would consider, alongside its European partners, a possible supplementary support to the Force.⁵⁷¹ The representative of Qatar welcomed the fact that the draft resolution was “limited to augmenting” UNIFIL, and that its mandate would continue to be subject to the provisions of Chapter VI. He further called upon the contributing States or those States that intended to contribute to UNIFIL to dispatch their forces “promptly”.⁵⁷² Following the adoption of the draft resolution, the representative of Denmark welcomed the decision of the Government of Lebanon to deploy 15,000 troops in southern Lebanon and expressed support for the enhancement of UNIFIL in numbers, equipment, mandate and scope of operations.⁵⁷³ A number of representatives also welcomed the strengthening of UNIFIL and stressed the need for troop-contributing countries to act with urgency.⁵⁷⁴

At the 5515th meeting, on 22 August 2006, several speakers referred to the strengthening of UNIFIL in their statements and made appeals to States in a position to do so to make contributions in this regard. The representative of Argentina stressed the role of UNIFIL in the peace process and conveyed his gratitude to the Department of Peacekeeping Operations for its efforts to accelerate the deployment of additional troops. He further expressed hope that, after the circulation of the draft rules of engagement and concept of operations of UNIFIL, it would be possible to ensure that substantive contributions to the Force were made.⁵⁷⁵ The representative of the United States urged potential troop-contributing countries to expedite their internal decision-making processes in order to achieve the goal of an expanded 15,000-

⁵⁷⁰ Ibid., p. 5.

⁵⁷¹ Ibid., p. 8.

⁵⁷² Ibid., pp. 8-9.

⁵⁷³ Ibid., p. 12.

⁵⁷⁴ Ibid., p. 14 (Slovakia); p. 15 (Argentina); p. 17 (United Republic of Tanzania); p. 18 (Ghana); and p. 19 (Lebanon).

⁵⁷⁵ S/PV.5515, p. 6.

member international force. He emphasized that delays in deployment did not serve the peace process.⁵⁷⁶ Similarly, the representative of China noted that the expansion of UNIFIL had to be “stepped up” and that countries in a position to do so should “swiftly” contribute troops to ensure the mission’s early deployment.⁵⁷⁷ Noting that the progress in planning for the enhanced UNIFIL deployment was encouraging, the representative of the United Kingdom underlined that the priority was to give UNIFIL the resources to do its “new job” and to turn the many offers to contribute into forces on the ground. He declared that his country had already made a firm offer of air and naval assets and stood ready to deploy them quickly if the Department of Peacekeeping Operations took up on its offer.⁵⁷⁸ The representative of Denmark announced that his country was ready to support the naval component of an enhanced UNIFIL and expressed hope that, since the concept of operations and the rules of engagement had been clarified, additional States would provide similar “specific pledges”.⁵⁷⁹ The representative of Israel opined that, once UNIFIL was given a “clear and unequivocal mandate”, contributing countries would be able to commit “wholeheartedly and without hesitation”.⁵⁸⁰ The representative of Finland, speaking on behalf of the European Union and associated countries, indicated the willingness of the European Union countries to participate in the peace process, and pointed out that some countries had already made their decision to send troops, while others were considering it.⁵⁸¹

Reports of the Secretary-General on the Sudan

At its 5519th meeting, on 31 August 2006, the Council adopted resolution 1706 (2006), by which it expanded the mandate of UNMIS and urged States to provide the capability for an expeditious deployment. During the debate, the representative of the United Kingdom noted that the newly adopted resolution authorized the “much-needed” United Nations support for AMIS and mandated the United Nations to deploy additional resources, as soon as possible thereafter, in preparation for a full United Nations operation no later

⁵⁷⁶ Ibid., p. 7.

⁵⁷⁷ Ibid., p. 9.

⁵⁷⁸ Ibid.

⁵⁷⁹ Ibid., p. 11.

⁵⁸⁰ Ibid., p. 25.

⁵⁸¹ Ibid., p. 29.

than 31 December.⁵⁸² The representative of Qatar opined that more efforts should have been made on the “political front” to prepare the ground for securing the “voluntary consent” of the Government of the Sudan to expanding the mandate of the United Nations forces, increasing their strength, and deploying them to Darfur.⁵⁸³ The representatives of Greece and Slovakia concurred that the strengthening of AMIS and the expansion of the mandate of UNMIS were important elements to a lasting and sustainable solution to the crisis in Darfur.⁵⁸⁴ The representative of Japan noted that, given the worsening security situation on the ground, his Government believed that it was “long overdue” for the international community to take “resolute action” on the matter by providing adequate support for AMIS through the United Nations and a transition to a United Nations operation.⁵⁸⁵

At its 5727th meeting, on 31 July 2007, the Council adopted unanimously resolution 1769 (2007), by which it authorized the deployment of UNAMID. During the subsequent debate, the Secretary-General underlined that States, especially troop- and police-contributing countries, had to provide “every support” to UNAMID, including by committing additional “capable troops”.⁵⁸⁶ The representative of France noted that, given its exceptional size and its unprecedented hybrid nature, UNAMID would require “special commitment and ongoing mobilization” on the part of the international community, relying on the United Nations and the African Union. He further declared that France would “stand with them”.⁵⁸⁷ The observer for the African Union stressed the role of UNAMID in the restoration of durable peace and security in Darfur and reiterated the appeal of the African Union Peace and Security Council to States for generous contributions to UNAMID.⁵⁸⁸

At its 5784th meeting, on 27 November 2007, the Council was briefed on the progress made in the deployment of UNAMID by the Under-Secretary-General for Peacekeeping Operations, who stated that, only five weeks before the transfer of authority from AMIS to UNAMID, the latter faced “serious gaps” in

force requirements, being short of “critical mobility capabilities”. He declared that, as a result of pre-deployment visits, pledges for one reconnaissance company were withdrawn and that, consequently, the gap in capability had grown. He further warned that, if no appropriate offers for those missing units were identified, the Council might have to mitigate the lack of air mobility by increasing the number of troops or by borrowing those capabilities from other missions. He concluded that it was critical that, once troop-contributing countries were identified, they initiated preparations for deployment as rapidly as possible, and said that every delay or suspension in the predeployment activity would have a “direct and negative” impact on the readiness of troops to deploy to UNAMID early in 2008.⁵⁸⁹ The representative of the United States, recognizing that mobility was critical for a force like UNAMID, expressed his concern about the delays in the deployment of the Mission to Darfur and announced the intention of his delegation to work bilaterally to urge contributions of the assets needed by UNAMID.⁵⁹⁰ Expressing the same concern, the representative of the United Kingdom emphasized that, because of the delays in the deployment of UNAMID, there was a growing risk that the hybrid force would not be an effective military force capable of implementing its mandate.⁵⁹¹ The representative of the Congo conveyed his concern regarding the difficulties in securing the Mission’s budget and declared that his Government was prepared to make its “modest contribution” by supplying two infantry companies to the African Union and the United Nations for use by UNAMID.⁵⁹² A few representatives, including those of the United States and the Russian Federation, urged the Government of the Sudan to approve the list of troop-contributing countries and to remove the obstacles to the Mission’s deployment.⁵⁹³ The representative of Indonesia opined that, in spite of delays on the political front, the peacekeeping track should move forward within its already determined time frame and argued that the international community should not retreat from the commitment made in resolution 1769 (2007) to support UNAMID.⁵⁹⁴ The Under-Secretary-General

⁵⁸² S/PV.5519, p. 3.

⁵⁸³ *Ibid.*, p. 6.

⁵⁸⁴ *Ibid.*, p. 8 (Greece, Slovakia).

⁵⁸⁵ *Ibid.*, p. 6.

⁵⁸⁶ S/PV.5727, p. 3.

⁵⁸⁷ *Ibid.*, p. 4.

⁵⁸⁸ *Ibid.*, p. 11.

⁵⁸⁹ S/PV.5784, pp. 6-7.

⁵⁹⁰ *Ibid.*, p. 12.

⁵⁹¹ *Ibid.*, p. 14.

⁵⁹² *Ibid.*, p. 18.

⁵⁹³ *Ibid.*, p. 11 (United States); and p. 17 (Russian Federation).

⁵⁹⁴ *Ibid.*, p. 26.

for Peacekeeping Operations stated that the delay in the deployment of troops was the result of several factors, including the lack of capacity of the contributing countries, the hesitation of the troop-contributing countries about when to deploy, and the terms of cooperation with the host country.⁵⁹⁵

C. Decisions relating to Article 44

United Nations peacekeeping operations

By a statement of the President dated 17 May 2004, the Council highlighted the need to strengthen the relationship between those who plan, mandate and manage peacekeeping operations, and those who implement the mandates for those operations. The Council further declared that troop-contributing countries, through their experience and expertise, could “greatly contribute” to the planning process and assist the Council in taking appropriate, effective and timely decisions on peacekeeping operations. The Council recognized that the meetings and mechanisms established by resolution 1353 (2001) served to facilitate the consultation process. The Council recognized that in peacekeeping operations there were contributors, other than troop-contributing countries, whose views should also be taken into account, as appropriate.⁵⁹⁶

D. Discussion relating to Article 44

United Nations peacekeeping operations

At its 4970th meeting, on 17 May 2004, the Council held an open discussion on United Nations peacekeeping operations. A number of representatives called for enhanced coordination among the Council, the Secretariat, and the troop-contributing countries, in accordance with resolution 1353 (2001), which offered a framework for decision-making in peacekeeping operations. Some speakers emphasized that not only the countries contributing troops but also those contributing financially to peacekeeping operations should be consulted by the Council. The representative of France stressed that the existing processes for cooperation with troop-contributing countries should be revitalized and other contributors, including the financial contributors, should be more closely involved

through a better exploitation of the provisions of resolution 1353 (2001).⁵⁹⁷ The representative of Japan stressed that reform was necessary in order to involve in the Council’s decision-making process those countries contributing human, material, financial and other resources that enabled the Council to work to consolidate peace.⁵⁹⁸ Similarly, the representative of Germany proposed that Member States contributing to peacekeeping through means other than troop contributions should likewise participate in the entire decision-making process, including the planning and the debate preceding a mission.⁵⁹⁹ With reference to the “quality” and “timing” of the consultation process with the troop-contributing countries, the representatives of Algeria, Malaysia and Lebanon noted that troop-contributing countries should be involved in all the phases of the decision-making process, including those defining or changing the mandate of an operation to which their military units had been committed.⁶⁰⁰ The representative of Malaysia, in particular, regretted that the views expressed by troop-contributing countries during their consultations with the Council had not been taken into consideration when the Council had made important decisions pertaining to the expansion of a mandate or the appropriate size of a peacekeeping force.⁶⁰¹ The representative of Tunisia favoured “in-depth” and “interactive” consultations between the Secretariat, the Council and the troop-contributing countries to enable States to be better informed of the situation on the ground in a “thorough and regular manner”. He further stressed that it was “absolutely necessary” to take into account the views of troop-contributing countries, which should not be “merely consultative”.⁶⁰² The representative of New Zealand pointed out that it was time for an “honest assessment” of the existing consultative mechanisms between the Council and non-Council members.⁶⁰³ Finally, several speakers suggested using the Working Group on Peacekeeping

⁵⁹⁷ S/PV.4970, p. 7.

⁵⁹⁸ S/PV.4970 (Resumption 1), p. 4.

⁵⁹⁹ S/PV.4970, p. 26.

⁶⁰⁰ S/PV.4970, pp. 12-13; S/PV.4970 (Resumption 1), p. 16 (Malaysia); and p. 27 (Lebanon).

⁶⁰¹ S/PV.4970 (Resumption 1), p. 16.

⁶⁰² *Ibid.*, p. 8.

⁶⁰³ *Ibid.*, p. 2.

⁵⁹⁵ *Ibid.*, p. 29.

⁵⁹⁶ S/PRST/2004/16.

Operations to underpin the partnership between the Secretariat and the troop-contributing countries.⁶⁰⁴

Wrap-up discussion on the work of the Security Council for the current month

At its 5156th meeting, on 30 March 2005, the Council held a wrap-up meeting focusing on the African dimension in its work. The representative of the Russian Federation, referring to the settlement of conflicts in Africa and in other regions of the world, stressed the importance of consulting troop-contributing countries in order to improve the Council's decision-making process. He noted that the Council relied primarily on the military expertise of the Secretariat and expressed interest in obtaining the views and appraisals of troop-contributing countries, whose contingents were directly involved in the area of operations. He further questioned the justification for the Council's practice of conducting private meetings at which the delegations of troop-contributing countries were usually "very passive", and proposed discussing the subject further in the future.⁶⁰⁵ The representative of Tunisia noted that, while the "close cooperation" between States and the Secretariat helped to strengthen the peacekeeping operations, "more advanced and interactive" consultations were necessary between the Secretariat, the Council and the troop-contributing countries, so that the latter were better informed about the situation on the ground in a "complete and regular fashion". He concluded that in the future it would be necessary to give greater consideration to the concerns of troop-contributing countries, whose opinions should be "more than advisory".⁶⁰⁶

E. Discussion relating to Article 45

Reports of the Secretary-General on the Sudan

At the 5784th meeting, on 27 November 2007, the Under-Secretary-General for Peacekeeping Operations stated, in his briefing, that UNAMID was short of "critical mobility capabilities". He noted that if the missing units were not identified by early in 2008, the Council might have to "consider options" to

mitigate the lack of air mobility.⁶⁰⁷ The representative of the United States called for countries that had air support capability to contribute to the Mission. He stated that the Council had to support the efforts of the Secretariat to identify potential contributors and to impress upon them the importance of meeting the Mission's demands.⁶⁰⁸ Expressing concern regarding the difficulties in securing the Mission's necessities, the representative of the Congo made an appeal for States to provide the "medium-sized transport companies and helicopters" needed and without which the Mission's intervention capacity would be "gravely" compromised.⁶⁰⁹ The representative of Slovakia observed that the Council had authorized the deployment of a "robust and effective" force that should be able to make a "real difference" on the ground. However, he argued that, for the Mission to achieve that goal, it was "indispensable" to find the missing transportation and aviation units.⁶¹⁰

F. Discussion relating to Articles 46 and 47

Threats to international peace and security

At the 5615th meeting, on 8 January 2007, the representative of the Russian Federation noted that not all of the "unique peacekeeping opportunities and mechanisms" of the United Nations were being fully used. He opined that the situation could be improved through the "more active utilization" of the potential of the Military Staff Committee, on the basis of the relevant provisions of the Charter and with respect for the prerogatives of the Security Council.⁶¹¹

United Nations peacekeeping operations

At its 4970th meeting, on 17 May 2004, the Council heard a briefing by the Secretary-General on the financial and personnel challenges faced by the United Nations peacekeeping operations. During the debate, the representative of the Russian Federation opined that one of the most effective ways to improve military expertise within the Organization could be to "activate" work of the Military Staff Committee. He said that the reactivation would not occur within the

⁶⁰⁴ S/PV.4970, p. 7 (France); p. 8 (United Kingdom); pp. 10-11 (Romania); pp. 15-16 (Russian Federation); p. 23 (China); and pp. 25-26 (Germany).

⁶⁰⁵ S/PV.5156, p. 21.

⁶⁰⁶ *Ibid.*, p. 28.

⁶⁰⁷ S/PV.5784, p. 6.

⁶⁰⁸ *Ibid.*, p. 12.

⁶⁰⁹ *Ibid.*, p. 18.

⁶¹⁰ *Ibid.*, pp. 20-21.

⁶¹¹ S/PV.5615, p. 21.

“traditional understanding” of the role of that body, but in an “essentially expanded” format. He stressed that his proposal was not designed to increase the role of the permanent members of the Council, but rather, in accordance with Article 47 of the Charter, to “finally” fill out the activities of the Military Staff Committee with “practical content”, as a body not for five

members, but for the entire Council. All members of the Council, including troop-contributing countries, would be included in it.⁶¹²

⁶¹² S/PV.4970, p. 16.

Part VI

Obligations of Member States under Article 48 of the Charter

Article 48

1. *The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*
2. *Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

Note

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. In a number of instances, however, the Council adopted decisions in accordance with Chapter VII of the Charter, underlining the mandatory nature of the measures imposed, and containing provisions that might be regarded as implicit references to the principle enshrined in Article 48.

In the absence of express references, it is not always possible to relate with certainty any decisions of the Council to a particular Article. The Council decisions discussed below may, nevertheless, shed light on the Council’s interpretation and application of Article 48. Section A deals with the calls made by the Council for action in connection with a decision adopted under Article 40 of the Charter. Section B provides an overview of the action required to carry out the Council’s decisions adopted in accordance with the provisions of Article 41 of the Charter, while section C focuses on the action required to carry out the Council’s decisions in connection with measures that involved use of armed force in accordance with the provisions of Article 42 of the Charter.

During the period under consideration, the interpretation and application of Article 48 did not give rise to any significant constitutional discussions in the Council.

A. Obligations arising pursuant to decisions adopted under Article 40

In two decisions imposing non-military provisional measures designed to prevent the aggravation of the situation, the Council called on “all States” to assist in carrying out its decision. By resolution 1696 (2006) of 31 July 2006, the Council, acting under Article 40 of the Charter, called upon the Islamic Republic of Iran to take the steps required by the International Atomic Energy Association and called upon “all States”, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent the transfer of any items, materials, goods, and technology that could contribute to the enrichment-related and reprocessing activities and ballistic missile programmes of the Islamic Republic of Iran.⁶¹³ By resolution 1695 (2006) of 15 July 2006, while demanding that the Democratic People’s Republic of Korea suspend all activities related to its ballistic missile programme, and in this context re-establish its pre-existing commitments to a moratorium on missile launching, the Council required “all Member States”, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile-related items, materials, goods and technology being transferred to the missile or weapons of mass destruction programmes of the Democratic People’s Republic of Korea; and the procurement of missiles or missile-related items, materials, goods and

⁶¹³ Resolution 1696 (2006), para. 5.

technology from the Democratic People's Republic of Korea, and the transfer of any financial resources in relation to those missile or weapons of mass destruction programmes.⁶¹⁴

B. Obligations arising pursuant to decisions adopted under Article 41

In imposing measures not involving the use of armed force under Article 41 of the Charter, the Council consistently called upon "all States" to comply with relevant prohibitions.⁶¹⁵ In other instances, the Council addressed its call for compliance to "States" in general⁶¹⁶ or "all Member States".⁶¹⁷

⁶¹⁴ Resolution 1695 (2006), paras. 3 and 4.

⁶¹⁵ In connection with the situation in Côte d'Ivoire, see resolutions 1572 (2004), paras. 7, 9 and 11; and 1643 (2005), para. 6. In connection with the situation concerning the Democratic Republic of the Congo, see resolutions 1533 (2004), paras. 1 and 7, and 1596 (2005), paras. 12, 13 and 15. In connection with the situation in Liberia, see resolution 1579 (2004), paras. 6 and 7. In connection with the situation in the Middle East, see resolutions 1636 (2005), para. 3, and 1701 (2006), para. 15. In connection with the situation in Sierra Leone, see resolution 1688 (2006), para. 4. In connection with the situation in Somalia, see resolution 1558 (2004), para. 1. In connection with the situation in the Sudan, see resolutions 1556 (2004), paras. 7 and 8, and 1672 (2006), para. 1. In connection with non-proliferation, see resolutions 1737 (2006), paras. 3, 4, 6, 10, 12 and 17, and 1747 (2007), paras. 2, 5, 6 and 7. In connection with threats to international peace and security caused by terrorist acts, see resolutions 1526 (2004), paras. 5 and 20, 1617 (2005), para. 1, and 1735 (2006), para. 1.

⁶¹⁶ In connection with threats to international peace and security caused by terrorist acts, see resolutions 1526 (2004), para. 4, and 1735 (2006), paras. 2, 19 and 20. In connection with the situation in Liberia, see resolution 1549 (2004), para. 5.

⁶¹⁷ In connection with the situation between Iraq and Kuwait, see resolution 1546 (2004), paras. 15, 20, 23, 28 and 29. In connection with the situation in Sierra Leone, see resolution 1793 (2007), para. 5. In connection with the situation in Somalia, see resolution 1744 (2007), para. 8. In connection with the situation in the Sudan, see resolutions 1556 (2004), para. 3, and 1679 (2006), para. 2. In connection with non-proliferation/Democratic Republic of Korea, see resolution 1718 (2006), para. 4. In connection with threats to international peace and security caused by terrorist acts, see resolution 1617 (2005), paras. 7 and 10.

In a few other instances, the Council called more specifically upon a certain number or group of States. For example, in connection with the measures imposed against Côte d'Ivoire, the Council expressly included "all States, particularly those bordering Côte d'Ivoire",⁶¹⁸ while in connection with the measures imposed against Somalia, the Council urged "all Member States, in particular those of the region" to fully comply with the arms embargo.⁶¹⁹ In one instance, in connection with the measures imposed against the Democratic Republic of the Congo, the Council decided that "each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of Congo" should maintain a registry of flights originating in their respective territories to destinations in the Democratic Republic of the Congo.⁶²⁰ Also, in connection with those measures, the Council demanded that "the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi" take measures to prevent the use of their respective territories in support of violations of the arms embargo or in support of activities of armed groups present in the region; and demanded that "all States neighbouring the Democratic Republic of the Congo as well as the Government of National Unity and Transition" impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories".⁶²¹ In connection with the measures imposed against Liberia, the Council decided that "all States" in which there were "funds, other financial assets and economic resources owned or controlled directly or indirectly" by Charles Taylor and other individuals should freeze all such funds without delay.⁶²² Also in connection with sanctions against Liberia, the Council urged that "all West African States" take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries.⁶²³

In a number of instances, the Council called upon international agencies and organizations and/or the international community to undertake certain actions. In connection with non-proliferation and the Islamic

⁶¹⁸ Resolution 1584 (2005), para. 1.

⁶¹⁹ Resolution 1744 (2007), para. 10.

⁶²⁰ Resolution 1596 (2005), para. 7.

⁶²¹ Resolution 1649 (2005), paras. 15 and 16.

⁶²² Resolution 1532 (2004), para. 1.

⁶²³ Resolution 1579 (2004), para. 6.

Republic of Iran, the Council urged “all States and international financial institutions” not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and development purposes.⁶²⁴

When imposing sanctions against Côte d’Ivoire, the Democratic Republic of the Congo, the Islamic Republic of Iran, and the Taliban and members of Al-Qaida, the Council required “all States concerned, in particular those in the region”⁶²⁵ or, more generally, “all States”⁶²⁶ to report on their compliance with relevant prohibitions, specifying that implementation reports received from States were to be examined by committees specifically mandated to monitor the implementation of sanctions and to consider any information concerning violations. In connection with the situation in Côte d’Ivoire, the Council requested the Government of France to communicate, as appropriate, to the Security Council, through the committee established for that purpose, the information gathered by the French forces regarding the supply of arms and related material to Côte d’Ivoire.⁶²⁷

In a number of decisions establishing reporting obligations to ensure compliance with relevant prohibitions, the Council addressed its call to “all States” to cooperate with the relevant Panel of Experts or sanctions committees.⁶²⁸ In other instances, the Council

⁶²⁴ Resolution 1747 (2007), para. 7.

⁶²⁵ In connection with the situation in Côte d’Ivoire, see resolutions 1572 (2004), para. 15, 1584 (2005), para. 13, 1643 (2005), para. 7, and 1727 (2006), para. 5. In connection with the situation concerning the Democratic Republic of the Congo, see resolutions 1533 (2004), para. 9, and 1596 (2005), para. 20.

⁶²⁶ In connection with threats to international peace and security caused by terrorist acts, see resolution 1526 (2004), para. 22. In connection with non-proliferation, see resolutions 1737 (2006), para 19, and 1747 (2007), para 8.

⁶²⁷ Resolution 1584 (2005), para. 10.

⁶²⁸ In connection with the situation in Côte d’Ivoire, see resolutions 1572 (2004), para. 16, 1584 (2005), para. 11, 1643 (2005), para. 13; and 1727 (2006), para. 11. In connection with the situation concerning the Democratic Republic of the Congo, see resolutions 1533 (2004), para. 12, 1596 (2005), para. 19, and 1698 (2006), para. 18. In connection with the situation in Liberia, see resolution 1549 (2004), para. 7. In connection with the situation in Sierra Leone, see resolution 1688 (2006), para. 4. In connection with threats to international peace and security caused by terrorist acts, see resolution 1526 (2004), para. 14.

addressed such calls to “all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties”.⁶²⁹

In connection with the implementation of judicial measures adopted under Article 41, the Council called on “all States” to cooperate. In particular, regarding the decision to defer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court, the Council, while recognizing that States not parties to the Statute of the Court had no obligation under the Statute, urged “all States and concerned regional and international organizations” to cooperate fully.⁶³⁰ With regard to the authorization of a Trial Chamber in the Netherlands for the trial of former President Taylor, the Council requested “all States” to cooperate and, in particular, to ensure the appearance of the former President in the Netherlands for purposes of his trial by the Special Court. The Council further encouraged “all States” to ensure that any evidence or witnesses were, upon the request of the Special Court, promptly made available.⁶³¹

C. Obligations arising pursuant to decisions adopted under Article 42

Decisions of the Council, imposing measures involving the use of armed force in accordance with the provisions of Article 42 of the Charter frequently took the form of requests made to “Member States”, “Member States and regional organizations”, “States, in particular those in the region”, States “in the vicinity” of, or “bordering” a State where forces authorized to take enforcement action had been deployed.

In a number of instances, the Council addressed its requests, mainly entailing the provision of support

⁶²⁹ In connection with the situation in Côte d’Ivoire, see resolutions 1572 (2004), para. 16, 1584 (2005), para. 11, 1643 (2005), para. 13, and 1727 (2006), para. 11. In connection with the situation in Liberia, see resolution 1549 (2004), para. 7. In connection with the situation in the Middle East, see resolution 1553 (2004), para. 12. In connection with threats to international peace and security caused by terrorist acts, see resolution 1526 (2004), paras. 14 and 24.

⁶³⁰ Resolution 1593 (2005), para. 2.

⁶³¹ Resolution 1688 (2006), para. 4.

to the missions deployed, to “Member States” in general.⁶³²

In other instances, the Council addressed its calls to Member States, as well as to “international and/or regional organizations”. For example, by resolution 1546 (2004) of 8 June 2004, while reaffirming the authorization for the multinational force in Iraq, the Council requested that “Member States and international and regional organizations” contribute assistance, including military forces, to the multinational force.⁶³³ Similarly, by resolution 1769 (2007) of 31 July 2007, by which it established the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the Council called on “Member States and regional organizations” to provide further assistance to the operation, in particular to permit the early deployment of two additional battalions.⁶³⁴ In connection with the situation in Somalia, by resolution 1744 (2007) of 21 February 2007 the Council, authorizing the member States of the African Union to establish a mission in Somalia, urged “member States of the African Union” to contribute to the mission in order to create the conditions for the withdrawal of all other foreign forces from Somalia.⁶³⁵

⁶³² See, for example, resolutions 1563 (2004), para. 3, 1529 (2004), para. 5, 1590 (2005), para. 8, 1706 (2006), para. 10, and 1772 (2007), para. 14.

⁶³³ Resolution 1546 (2004), para. 15.

⁶³⁴ Resolution 1769 (2007), para. 11.

⁶³⁵ Resolution 1744 (2007), para. 5. The Council reiterated its request in its resolution 1772 (2007), para. 10.

Requests were also addressed to “States, in particular those in the region” and to States “in the vicinity” of, or “bordering” a State where a peacekeeping operation was deployed. For example, by resolution 1551 (2004) of 9 July 2004, while renewing the mandate of the multinational stabilization force in Bosnia and Herzegovina, the Council invited “all States, particular those in the region”, to continue to provide appropriate support and facilities, including transit facilities to the Member States.⁶³⁶ By resolution 1671 (2006) of 25 April 2006, while authorizing the deployment of a temporary European Union force to support the United Nations Mission in the Democratic Republic of the Congo, the Council requested “all Member States, in particular those in the vicinity of the Democratic Republic of the Congo” to provide all the necessary support to facilitate the deployment of the European Union force.⁶³⁷ By resolution 1778 (2007) of 25 September 2007, while establishing a multidimensional presence in Chad and the Central African Republic and authorizing the deployment of a European Union operation in the area, the Council urged “all Member States, particularly the States bordering Chad and the Central African Republic”, to facilitate the delivery of all personnel, equipment, and other goods intended for the operation.⁶³⁸

⁶³⁶ Resolution 1551 (2004), para. 21. The call was reiterated by the Council in its resolution 1575 (2004), para. 19.

⁶³⁷ Resolution 1671 (2006), para. 13.

⁶³⁸ Resolution 1778 (2007), para. 14.

Part VII

Obligations of Member States under Article 49 of the Charter

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Note

During the period under review, the obligation of States to join in affording mutual assistance assumed specific relevance in connection with decisions under Chapter VII of the Charter by which the Security Council authorized or called on Member States to take

measures to enforce its resolutions. While not containing explicit references to Article 49, the Council decisions covered in this part may have relevance to the Council’s interpretation and application of the Article. Section A provides an overview of the Council’s decisions calling upon Member States to provide mutual assistance in carrying out the decisions adopted in accordance with the provisions of Article 41 of the Charter. Section B deals with the Council’s decisions calling upon Member States to provide mutual assistance in carrying out the decisions adopted in accordance with the provisions of Article 42 of the Charter. During the period under consideration, the interpretation and application of

Article 49 gave rise to some relevant discussion in the Council in connection with the assistance to be provided to the African Union Mission in the Sudan. That discussion is presented in section C.

A. Calls for mutual assistance in the implementation of decisions adopted under Article 41

In imposing measures not involving the use of force, in accordance with the provisions of Article 41 of the Charter, the Council, in a number of instances, requested Member States in a position to do so to offer assistance to the concerned States in the implementation of those measures. More generally, the Council, by a statement of the President dated 19 January 2004, urged Member States “in a position to do so” to provide assistance to interested States in strengthening their capacity to fulfil their obligations under the resolutions imposing sanctions measures.⁶³⁹ The same call was reiterated by the Council in a statement of the President dated 17 February 2005.⁶⁴⁰

The situation concerning the Democratic Republic of the Congo

By resolution 1533 (2004) of 12 March 2004, while renewing its demand on all States to take the necessary measures to prevent the supply of arms to armed groups in North and South Kivu and in Ituri, the Council called upon the international community, in particular the specialized international organizations concerned, to provide financial and technical assistance to the Government of the Democratic Republic of the Congo with a view to helping it to exercise effective control over its borders and airspace.⁶⁴¹

The situation in Liberia

By resolution 1549 (2004) of 17 June 2004, taking note of the appeal made by the Chairman of the National Transitional Government of Liberia for the lifting of the timber and diamonds sanctions, the Council reiterated its call upon States, relevant organizations, and others in a position to do so to offer assistance to the Government in restructuring the security sector and ensuring that the ceasefire was

⁶³⁹ S/PRST/2004/1.

⁶⁴⁰ S/PRST/2005/7.

⁶⁴¹ Resolution 1533 (2004), para. 13.

respected; establishing an effective certificate-of-origin regime for trade in Liberian rough diamonds; and establishing control over timber-producing areas and ensuring that revenue was not used to fuel conflict.⁶⁴²

Non-proliferation (Islamic Republic of Iran)

By resolution 1747 (2007) of 24 March 2007, recalling the requirement on States to join in affording mutual assistance in carrying out the measures decided upon, and acting under Article 41 of the Charter, the Council reiterated the travel ban established by resolution 1737 (2006), applicable to the persons set out in the annex to the resolution and to the persons designated by the Security Council Committee or by the Council.⁶⁴³

B. Calls for mutual assistance in the implementation of decisions adopted under Article 42

When authorizing the use of force and calling upon States willing and in a position to do so to take relevant enforcement action through multinational forces, the Council regularly requested “all Member States” or “Member States” to provide appropriate support and assistance to those States, as illuminated below.

The situation in Afghanistan

By resolution 1563 (2004) of 17 September 2004, the Council extended the authorization of the International Security Assistance Force (ISAF) and, recognizing the need for strengthening ISAF, called upon Member States to contribute personnel, equipment and other resources.⁶⁴⁴ The Council reiterated its call for contributions in several subsequent resolutions.⁶⁴⁵

The situation in Bosnia and Herzegovina

By resolution 1551 (2004) of 9 July 2004, the Council paid tribute to those Member States which had participated in the multinational stabilization force (SFOR) established in accordance with resolution 1088 (1996) and welcomed their willingness to assist the

⁶⁴² Resolution 1549 (2004), para. 5.

⁶⁴³ Resolution 1747 (2007), eighth preambular paragraph and para. 2.

⁶⁴⁴ Resolution 1563 (2004), paras. 1 and 3.

⁶⁴⁵ Resolutions 1623 (2005), para. 3, 1707 (2006), para. 3, and 1776 (2007), para. 3.

parties to the Peace Agreement by continuing to deploy a multinational stabilization force. The Council invited all States, in particular those in the region, to continue to provide appropriate support, and facilities, including transit facilities, for the Member States participating in SFOR or in the proposed European Union mission.⁶⁴⁶

By resolution 1575 (2004) of 22 November 2004, while authorizing States acting through or in cooperation with the European Union to establish a multinational stabilization force (EUFOR), the Council invited all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States participating in EUFOR.⁶⁴⁷ The Council reiterated its invitation for support to the multinational stabilization force by several subsequent resolutions.⁶⁴⁸

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, while authorizing in Chad and the Central African Republic the establishment of a multidimensional presence which would include the United Nations Mission in the Central African Republic and Chad, the Council urged all Member States, particularly those bordering the two countries, to facilitate the delivery of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the Mission and the European Union operation authorized by the same resolution.⁶⁴⁹

The situation concerning the Democratic Republic of the Congo

By resolution 1671 (2006) of 25 April 2006, while authorizing the deployment of a European Union force to support the United Nations Mission in the Democratic Republic of the Congo, the Council requested all Member States, in particular those in the vicinity of the Democratic Republic of the Congo, to provide “all necessary support” to facilitate the deployment of the European Union force, and in particular to ensure the free, unhindered and expeditious movement to the Democratic Republic of

the Congo of its personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts.⁶⁵⁰

The question concerning Haiti

By resolution 1529 (2004) of 29 February 2004, while authorizing the deployment of a Multinational Interim Force in Haiti, the Council called upon Member States to contribute personnel, equipment and other financial and logistical resources on an “urgent basis” to the Force and stressed the importance of such voluntary contributions to help defray the expenses of the Force that participating States would bear.⁶⁵¹

The situation in Iraq

By resolution 1546 (2004) of 8 June 2004, deciding that the multinational force in Iraq would have the authority to take “all necessary measures” to contribute to the maintenance of security and stability in Iraq, the Council requested Member States and international and regional organizations to contribute assistance to the multinational force, including by providing military forces, as agreed with the Government of Iraq.⁶⁵²

The situation in Somalia

By resolution 1725 (2006) of 6 December 2006, the Council authorized the Intergovernmental Authority on Development and member States of the African Union to establish a peacekeeping mission in Somalia and encouraged Member States to provide financial resources for that mission.⁶⁵³

By resolution 1744 (2007) of 20 February 2007, while authorizing member States of the African Union to establish a mission in Somalia (AMISOM), the Council urged Member States to provide personnel, equipment and services, if required, for the successful deployment of AMISOM and encouraged States to provide financial resources for the Mission.⁶⁵⁴

By resolution 1772 (2007) of 20 August 2007, while authorizing the extension of the Mission’s mandate, the Council urged member States of the African Union to contribute to AMISOM in order to

⁶⁴⁶ Resolution 1551 (2004), paras. 8 and 21.

⁶⁴⁷ Resolution 1575 (2004), para. 19.

⁶⁴⁸ Resolutions 1639 (2005), para. 19, 1722 (2006), para. 19, and 1785 (2007), para. 19.

⁶⁴⁹ Resolution 1778 (2007), para. 14.

⁶⁵⁰ Resolution 1671 (2006), para. 13.

⁶⁵¹ Resolution 1529 (2004), para. 5.

⁶⁵² Resolution 1546 (2004), para. 15.

⁶⁵³ Resolution 1725 (2006), para. 6.

⁶⁵⁴ Resolution 1744 (2007), para. 8.

help to create the conditions for the withdrawal of all other foreign forces from Somalia. The Council further urged Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission.⁶⁵⁵

Reports of the Secretary-General on the Sudan

By resolution 1556 (2004) of 30 July 2004, while endorsing the deployment of international monitors to Darfur, including the protection force envisioned by the African Union, the Council urged the international community to continue to support those efforts. The Council further urged Member States to reinforce the international monitoring team led by the African Union by providing personnel and other assistance, including financing, supplies, transport, vehicles, command support, communication and headquarters support, as needed, for the monitoring operation.⁶⁵⁶

By resolution 1564 (2004) of 18 September 2004, welcoming the intention of the African Union to enhance its monitoring mission in the Darfur region, the Council urged Member States to support the African Union in its efforts by providing all equipment, logistical, financial, material and other necessary resources to support the rapid expansion of the African Union Mission in the Sudan (AMIS).⁶⁵⁷

By a statement of the President dated 11 April 2006, the Council commended the African Union for what AMIS had achieved in Darfur and urged Member States and international and regional organizations to provide additional assistance to AMIS, so that it could be strengthened.⁶⁵⁸ The Council reiterated its call in a presidential statement dated 9 May 2006.⁶⁵⁹

By resolution 1769 (2007) of 31 July 2007, by which it authorized the establishment of an African Union-United Nations Hybrid Operation in Darfur (UNAMID), the Council called upon Member States to finalize their contributions to UNAMID within 30 days

⁶⁵⁵ Resolution 1772 (2007), paras. 10 and 14.

⁶⁵⁶ Resolution 1556 (2004), paras. 2 and 3.

⁶⁵⁷ Resolution 1564 (2004), paras. 2 and 3.

⁶⁵⁸ S/PRST/2006/16.

⁶⁵⁹ S/PRST/2006/21. By resolution 1706 (2006) (fifth preambular paragraph), the Council welcomed the decision of the African Union Peace and Security Council of 27 June 2006 on strengthening mandate and tasks of AMIS, including on the protection of civilians, and considered that AMIS needed “urgent reinforcing”.

of the adoption of the resolution. Stressing the “urgent need” to mobilize the financial, logistical and other support required for AMIS, the Council called on Member States and regional organizations to provide “further assistance”, in particular to permit the early deployment of two additional battalions during the transition from AMIS to UNAMID.⁶⁶⁰

C. Discussion relating to Article 49

Reports of the Secretary-General on the Sudan

At the 5080th meeting, on 18 November 2004, the Secretary-General noted that the African Union Mission in the Sudan had begun to deploy and had already achieved some successes, but still needed “means of transport, as well as financial and logistical support”. He stressed that all States with the capacity to do so should give the Mission the “maximum possible support”, so that the African Union force could “deploy swiftly” and mount an “effective operation” on the ground.⁶⁶¹ The representative of Nigeria reiterated his Government’s support for the commitment of the African Union to increase its mission in Darfur and welcomed the Mission’s expanded mandate.⁶⁶²

At the 5082nd meeting, on 19 November 2004, the representative of Brazil stressed the need for “increased international support” for the African Union in Darfur. He expressed hope that the Secretary-General would continue to keep the Council “closely informed” about the assistance to be provided.⁶⁶³ The representative of Angola indicated that the scenario of a “poorly endowed expanded African force” in Darfur and a well-equipped United Nations operation in southern Sudan should be avoided. He highlighted the need for “appropriate support” to enable the African Union to play its “leading role adequately”.⁶⁶⁴ The Director of African Administration and African-Arab Cooperation of the League of Arab States declared that the African Union Mission required “full and strong financial, technical and logistical support” to deal with the crisis in Darfur and announced that the League of Arab States would spare “no effort” to provide all

⁶⁶⁰ Resolution 1769 (2007), paras. 4 and 11.

⁶⁶¹ S/PV.5080, p. 4.

⁶⁶² *Ibid.*, p. 8.

⁶⁶³ S/PV.5082, p. 10.

⁶⁶⁴ *Ibid.*, p. 14.

forms of support to the African Union.⁶⁶⁵ The representative of the Netherlands stated that it was “essential” that AMIS received “all the support needed” to ensure its rapid and full deployment and “effective operationalization”.⁶⁶⁶ The representative of Australia, speaking also on behalf of New Zealand, opined that the international community had to make “every effort” to ensure the success of AMIS and indicated that the Governments of Australia and New Zealand were offering their “full support” to the Mission.⁶⁶⁷

At the 5434th meeting, on 9 May 2006, the Secretary-General stated that a “follow-on United Nations force” would have to be much larger than the current AMIS and would need major logistical support from States that were in a position to provide it.⁶⁶⁸ The representative of the United Kingdom opined that the first step in addressing the challenges in the Sudan was to “urgently” strengthen AMIS to ensure that the ceasefire prevailed. He added that his Government would “do its part” and indicated that it had just contributed additional funds.⁶⁶⁹ The representative of Greece recalled that the European Union and its member States had provided planning and technical, financial and equipment support to both the military and the police components of AMIS, and had reiterated their readiness to continue to provide such support. He further stated that his Government had also contributed to that effort, “within its capabilities”, and would continue to do so.⁶⁷⁰ Similarly, other representatives agreed on the necessity of strengthening AMIS and enhancing its operational capabilities,⁶⁷¹ and a number of representatives announced financial contributions to the Mission.⁶⁷²

At the 5520th meeting, on 11 September 2006, the Secretary-General, in his briefing, declared that the Secretariat would be meeting senior officials from the Commission of the African Union to finalize a support package for AMIS. He added that the Department of Peacekeeping Operations would also convene a meeting

⁶⁶⁵ Ibid., p. 22.

⁶⁶⁶ Ibid., p. 24.

⁶⁶⁷ Ibid., p. 25.

⁶⁶⁸ S/PV.5434, p. 3.

⁶⁶⁹ Ibid., p. 4.

⁶⁷⁰ Ibid., p. 11.

⁶⁷¹ Ibid., p. 10 (Denmark); p. 15 (Qatar); p. 17 (Austria, on behalf of the European Union and associated countries); and p. 21 (Nigeria).

⁶⁷² Ibid., p. 12 (Japan); p. 18 (Austria, on behalf of the European Union and associated countries); and p. 18 (Netherlands).

of potential troop and police contributors to discuss the expansion of the United Nations Mission in the Sudan to Darfur. He further noted that, during the transition from AMIS to a United Nations peacekeeping operation, there could be “no walking away from AMIS” and that AMIS would have to play a “vital role” until the United Nations operation was in place. However, he noted that AMIS lacked the “necessary resources” and called on the Mission’s partners to ensure that it could continue to work during the “crucial transition period”.⁶⁷³ The representative of the United States opined that support had to be offered to the African Union and to AMIS at that “critical point” in maintaining their “key role” in addressing the Darfur crisis. He insisted that “everyone” had to do “everything possible” to support AMIS, including by implementing resolution 1706 (2006), which called for “robust assistance” to the Mission.⁶⁷⁴ The representative of the United Kingdom stressed the importance of not creating a “vacuum” in Darfur, in which the Janjaweed and the rebels would fight. He noted that the basic measure for avoiding such a vacuum would be to provide AMIS with the capabilities and the financing it needed.⁶⁷⁵ The representative of Japan expressed the belief that, in the transition from AMIS to a United Nations peacekeeping mission, the international community had to respond to the “urgent need for prompt support” for maintaining the African Union forces on the ground, as well as to the “enormous humanitarian requirements”.⁶⁷⁶ The representative of Qatar emphasized the importance of increasing the “financial and logistical support” given to AMIS, making use of the “resources of the United Nations”. He noted that the request had received no favourable response until the report of the Secretary-General had been issued, requesting all financial and logistical support necessary for AMIS. He noted that the Security Council had been clear on the need for such support and advocated that the General Assembly should follow up by providing that support.⁶⁷⁷

At the 5727th meeting, on 31 July 2007, while a number of representatives emphasized the need to provide support for the newly established UNAMID, a few speakers stressed the importance of offering assistance to AMIS in the transition phase. The representative of China affirmed that, as the only

⁶⁷³ S/PV.5520, p. 3.

⁶⁷⁴ Ibid., p. 8.

⁶⁷⁵ Ibid., p. 9.

⁶⁷⁶ Ibid., p. 17.

⁶⁷⁷ Ibid., p. 19.

international peacekeeping force in Darfur, AMIS was shouldering “daunting tasks” and was facing “huge difficulties”. He suggested that, in the near future, the Council should first focus on urging the international community to provide financial support to AMIS and fully implement the United Nations light and heavy

support packages aimed at building the capacity of AMIS, so as to lay a “solid foundation” for the deployment of the hybrid operation.⁶⁷⁸

⁶⁷⁸ S/PV.5727, p. 10.

Part VIII

Special economic problems of the nature described in Article 50 of the Charter

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Note

During the period under review, the Security Council continued its practice of imposing targeted sanctions measures that helped to minimize economic problems experienced by third States. Through two notes by the President the Council also decided to extend the mandate of the Informal Working Group on General Issues of Sanctions, whose tasks included an “assessment of the unintended impact of sanctions and ways to assist affected untargeted States”.⁶⁷⁹

Given the shift from comprehensive economic sanctions to targeted sanctions, no sanctions committees were approached by Member States concerning special economic problems arising from the implementation of sanctions. There were therefore no pre-assessment reports or ongoing assessment reports concerning the likely and actual unintended impact of sanctions on third States.⁶⁸⁰

⁶⁷⁹ S/2004/1014 and S/2005/841.

⁶⁸⁰ Some of the sanctions Committees did, however, touch on the issue of the humanitarian and socioeconomic consequences of sanctions in their reports to the Council (see, for example, S/2007/778 and S/2008/17), as did Groups or Panels of Experts (see S/2004/955, paras. 24-52; S/2005/436, para. 87; S/2006/379, para. 133; and S/2007/40, paras. 42-45) and Monitoring Teams (see S/2005/572, paras. 18 and 86).

Section A examines decisions of the Council relevant to Article 50, while section B highlights the salient issues raised in the Council’s deliberations regarding the interpretation and application of the Article. Section C presents material relating to the Council’s subsidiary bodies in connection with Article 50, as included in their reports to the Council, as well as in the reports of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions.⁶⁸¹

A. Decisions relating to Article 50

Informal Working Group on General Issues of Sanctions

By a note by the President dated 23 December 2004, the Council decided to extend the mandate of the Informal Working Group on General Issues of Sanctions, established by a note by the President dated 17 April 2000, until 31 December 2005. While the Working Group continued to be tasked with developing general recommendations on how to improve the effectiveness of United Nations sanctions, it was also mandated to undertake within that framework, as appropriate, and with the consensus of its members, assessment of the unintended impact of sanctions and ways to assist affected untargeted States.⁶⁸² By a note by the President dated 29 December 2005, the Council agreed to further extend the mandate of the Working Group until 31 December 2006.⁶⁸³ By resolution 1732 (2006) of 21 December 2006, taking note of the best practices and methods contained in the Working

⁶⁸¹ See A/59/334, A/60/320, A/61/304 and A/62/206.

⁶⁸² S/2004/1014.

⁶⁸³ S/2005/841.

Group's final report,⁶⁸⁴ the Council decided that the Working Group had fulfilled its mandate.

Strengthening international law: rule of law and maintenance of international peace and security

By a statement of the President dated 22 June 2006, the Council reaffirmed the role sanctions played in the maintenance and restoration of international peace and security. The Council further resolved to ensure that sanctions were carefully targeted in support of clear objectives and were implemented in ways that balanced effectiveness against possible adverse consequences.⁶⁸⁵

B. Discussion relating to Article 50

Strengthening international law: rule of law and maintenance of international peace and security

At the 5474th meeting, on 22 June 2006, the representative of Nigeria expressed the view that, in order to enhance the efficiency and credibility of the United Nations sanctions regimes, sanctions should be applied only as a "last resort", be "targeted" and "time-bound", and should be lifted once the objectives had been achieved. He said that sanctions should be applied in accordance with Article 50 of the Charter, and that the impact of sanctions both on the target and on third States should be assessed and remedied.⁶⁸⁶

C. Instances arising in the subsidiary bodies of the Council

Informal Working Group on General Issues of Sanctions

By a letter dated 17 December 2004 addressed to the President of the Council, the outgoing Chairman of

⁶⁸⁴ S/2006/997.

⁶⁸⁵ S/PRST/2006/28.

⁶⁸⁶ S/PV.5474 (Resumption 1), p. 19.

the Informal Working Group on General Issues of Sanctions noted that the Council, in relevant cases, had sought an assessment of the possible humanitarian impact of the measures it had authorized, with a view to minimizing the unintended negative consequences of such measures. He also noted that various reports by expert sanctions monitoring bodies had included recommendations for improving the implementation and effectiveness of sanctions as well as for mitigating their unintended impact.⁶⁸⁷

In a report of the Chairman of the Informal Working Group on General Issues of Sanctions to the President of the Security Council, transmitted in a note by the President dated 22 December 2005, the Working Group observed that, unlike comprehensive sanctions, targeted sanctions tended to have minimal negative effects on civilian populations and third States. The Working Group also noted, however, that if targeted sanctions were not properly designed and implemented, their legitimacy could be compromised and their usefulness questioned.⁶⁸⁸ Reference was also made to the call by some delegations for the Security Council to improve its monitoring of the implementation and effects of sanctions and the establishment of a mechanism to address special economic problems arising from the application of sanctions.⁶⁸⁹

In a report of the Chairman of the Informal Working Group, transmitted in a note by the President dated 22 December 2006, the Working Group observed that several of the recommendations and best practices set out in that report related to improved sanctions design and monitoring. The report did not however contain any recommendations that explicitly referred to ways to assist untargeted States affected by the unintended impact of sanctions.⁶⁹⁰

⁶⁸⁷ S/2004/979, pp. 5-6.

⁶⁸⁸ S/2005/842, annex.

⁶⁸⁹ Ibid., para. 10.

⁶⁹⁰ S/2006/997, annex.

Part IX

Right of self-defence in accordance with Article 51 of the Charter

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if

an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the

exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Note

During the period under review, the Security Council reaffirmed the principle set out in Article 51 of the Charter in three different decisions related to its consideration of the item entitled “Small arms” (see section A).

During the period, in the course of the deliberations in the Council, various issues occasioned arguments relating to the interpretation of the principle of self-defence. Specifically, the Council debated the application and interpretation of Article 51 in connection with the following items: Small arms; Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council; Non-proliferation/Democratic People’s Republic of Korea; Non-proliferation of weapons of mass destruction; and The situation in the Middle East. The arguments advanced during the Council’s deliberations in connection with these situations are presented in section B.

These cases will be followed by a brief overview in section C of instances in which the right of self-defence was invoked in official correspondence, but which did not give rise to any constitutional discussion relevant to Article 51.

A. Decisions relating to Article 51

Small arms

By two statements of the President dated 19 January 2004 and 17 February 2005, respectively, in connection with the Council’s consideration of the destabilizing role played by the accumulation and uncontrolled spread of small arms and light weapons in many regions of the world, the Council reaffirmed “the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter and, subject to the Charter, the right of each State to import,

produce and retain small arms and light weapons for its self-defence and security needs”.⁶⁹¹

By a statement of the President dated 29 June 2007, the Council reaffirmed “the inherent right to individual or collective self-defence consistent with Article 51 of the Charter of the United Nations”.⁶⁹²

B. Discussion relating to Article 51

Small arms

At the 4896th meeting, on 19 January 2004, a number of speakers commented on the need to strike a balance between the need to limit the illegal trade and proliferation of small arms and the right of States to legally produce and trade arms, in accordance with the right of self-defence as enshrined in the Charter. The representative of Romania noted that the illicit traffic in arms and drugs could become a serious obstacle to national development and well-being and, taking into account that countries have the right to produce and transfer arms in accordance to the right to self-defence, stressed that arms transfers should be conducted in a “very responsible manner”.⁶⁹³ The representative of Algeria emphasized that a precise analysis of the factors generating and developing the traffic in small arms would help to clarify the concepts, and thus prevent confusion between the illegal traffic in small arms and the legal trade in small arms covered by Article 51.⁶⁹⁴ The representative of Colombia said that export control mechanisms should take into account not only the “views and interests of the producing and exporting countries” but also the interests of the importing countries. He expressed caution about the “subjective” nature of criteria such as “respect for human rights, the existence of internal conflicts and the imbalance between defence and development expenditures”, which, if applied by exporting countries, might violate the right of all States to import and possess small arms and light weapons for their self-defence and security needs in accordance with Article 51.⁶⁹⁵ The representative of Indonesia pointed out that the progress made in the implementation of demobilization, disarmament, rehabilitation and resettlement programmes

⁶⁹¹ S/PRST/2004/1 and S/PRST/2005/7.

⁶⁹² S/PRST/2007/24.

⁶⁹³ S/PV.4896, p. 4.

⁶⁹⁴ *Ibid.*, p. 19.

⁶⁹⁵ *Ibid.*, p. 30.

for ex-combatants in post-conflict countries had been achieved while respecting the “right of States to self-defence and security” and without prejudice to their corresponding right to effective control over the export, import, transit and storage of small weapons.⁶⁹⁶

At the 5127th meeting, on 17 February 2005, the representative of Romania reiterated that countries retained the legitimate “right to self-defence” in accordance with the Charter, as arms production and transfers for that purpose were licit. He therefore stated that legality of arms trading entailed the conduct of transfers in an “even more responsible” manner.⁶⁹⁷ The representative of Greece concurred, but warned that in some instances small arms that started out legally ultimately arrived at illegal destinations, owing to “loopholes” which must be effectively addressed through severe measures in the national legislation of all countries.⁶⁹⁸ The representative of Mexico opined that one fundamental element in controlling the illicit trade in small arms and light weapons would be to negotiate a legal instrument regulating the transfer of such arms. The main manufacturers and exporters, he added, should be subject to precise rules that would prevent the transfer of small arms and light weapons to be diverted on to the illegal track. He cautioned, however, that such rules and provisions should be applied with no negative impact on lawful transfers that enable countries to exercise their legitimate right to self-defence as set out in Article 51 of the Charter.⁶⁹⁹

*Items relating to the Democratic People's
Republic of Korea*⁷⁰⁰

At its 5490th meeting, on 15 July 2006, the Council unanimously adopted resolution 1695 (2006) by which it condemned the launching of ballistic missiles on 5 July by the Democratic People's Republic of Korea. Welcoming the adoption of the resolution, the representative of Japan declared that the missile launches posed a “direct threat to the security of Japan and other countries”, particularly in the light of the

Democratic People's Republic of Korea's claim that it had developed nuclear weapons.⁷⁰¹ The representative of the United States, declaring that the missile launches represented a “direct threat to international peace and security, demanded “a strong statement from the Council in the form of a strong resolution”.⁷⁰² In response, the representative of the Democratic People's Republic of Korea stated that the missile launches had been part of a “routine military exercise” intended to increase his country's “military capacity for self-defence” and would go on in the future. He contended that the missile launches did not strain the regional situation, nor did they block the progress of the dialogue. He also argued that were it not for his country's “tremendous deterrent in self-defence”, the United States would have attacked the Democratic People's Republic of Korea.⁷⁰³

By a letter dated 11 October 2006 addressed to the President of the Security Council, the representative of the Democratic People's Republic of Korea transmitted a statement issued by his country's Foreign Ministry, indicating that his Government had successfully conducted “an underground nuclear test” under secure conditions on 9 October as a “new measure for bolstering its war deterrent for self-defence”.⁷⁰⁴

At its 5551st meeting, on 14 October 2006, the Council unanimously adopted resolution 1718 (2006), by which, acting under Chapter VII of the Charter, it condemned the nuclear test conducted by the Democratic People's Republic of Korea on 9 October 2006, finding it in flagrant disregard of its relevant resolutions, and in particular of resolution 1695 (2006). During the ensuing debate, a number of speakers saluted the adoption of the resolution as a strong signal by the international community. In response, the representative of the Democratic People's Republic of Korea declared that the underground nuclear test had been a new measure for bolstering his country's “war deterrent for self-defence” and was “entirely attributable to the United States nuclear threat, sanctions and pressure”.⁷⁰⁵

⁶⁹⁶ S/PV.4896 (Resumption 1), p. 11.

⁶⁹⁷ S/PV.5127, p. 8.

⁶⁹⁸ Ibid., p. 13.

⁶⁹⁹ Ibid., p. 29.

⁷⁰⁰ Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council; and Non-proliferation/Democratic People's Republic of Korea.

⁷⁰¹ S/PV.5490, p. 2.

⁷⁰² Ibid., p. 4.

⁷⁰³ Ibid., pp. 8-9.

⁷⁰⁴ S/2006/801.

⁷⁰⁵ S/PV.5551, p. 8.

The situation in the Middle East

By identical letters dated 12 July 2006 addressed to the Secretary-General and the President of the Security Council, in connection with the Hizbullah attacks on Israel's northern border with Lebanon, the representative of Israel asserted that his country reserved the "right to act in accordance with Article 51 of the Charter of the United Nations and exercise its right of self-defence" when attacked and take "appropriate actions" in this regard.⁷⁰⁶

At its 5489th meeting, on 14 July 2006, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations in relation to the crisis between Israel and Lebanon which had started on 12 July 2006. During the ensuing debate, several representatives recognized Israel's right to act in self-defence, but cautioned that Israel should ensure that its actions were proportionate and measured, in accordance with international law.⁷⁰⁷ Among those speakers, the representative of Slovakia, while recognizing and acknowledging "the right of each and every State to self-defence", emphasized that the right could not and should not be confused with counterattacks or acts of military provocation.⁷⁰⁸ The representative of Qatar stated that while his country recognized the right of all States to defend themselves, such a right was not in agreement with Israel's actions of waging "a widespread military campaign directly targeting civilians" and hitting Lebanon's infrastructure, which was not consonant with the objective of self-defence. He added that "the alleged right of Israel to self-defence" ended when the Council took the necessary measures to maintain international peace and security and hoped that the Council would soon take action to stop the "premeditated aggression" by Israel.⁷⁰⁹

By identical letters dated 17 July 2006 addressed to the Secretary-General and the President of the Security Council, the representative of Lebanon pointed out the "disproportionate aggression" and the consequences of the Israeli actions taken in "self-defence".⁷¹⁰

⁷⁰⁶ S/2006/515.

⁷⁰⁷ S/PV.5489, p. 12 (United Kingdom); p. 14 (Peru); p. 15 (Denmark); p. 16 (Slovakia); and p. 17 (Greece).

⁷⁰⁸ *Ibid.*, p. 16.

⁷⁰⁹ *Ibid.*, pp. 10-11.

⁷¹⁰ S/2006/529. Subsequently, by identical letters dated 19 July 2006 addressed to the Secretary-General and the President of the Security Council (S/2006/550), the

At its 5492nd meeting, on 20 July 2006, the Council heard a briefing by the Secretary-General in relation to the situation in the Middle East in which the Secretary-General, while reiterating his condemnation of Hizbullah's attacks on Israel and acknowledging Israel's right to defend itself under Article 51 of the Charter, cautioned against the excessive use of force.⁷¹¹

At the 5493rd meeting, on 21 July 2006, held to consider the item entitled "The situation in the Middle East, including the Palestinian question", a number of speakers referred to the situation between Israel and Lebanon. Several speakers, while recognizing Israel's right to self-defence against terrorism and its perpetrators, urged Israel to exercise that right with caution and restraint.⁷¹² Other speakers insisted that Israel's exercise of the right to self-defence should be in accordance with the principles of the Charter and international law.⁷¹³ The representative of Norway recalled that all use of armed force must satisfy requirements of necessity as well as proportionality and therefore urged Israel not to resort to "disproportionate action".⁷¹⁴ A number of speakers argued on the other hand that the Israeli actions could not be justified by the right to self-defence.⁷¹⁵ The representative of Turkey emphasized that Israel should not resort to "disproportionate and indiscriminate" use of force.⁷¹⁶ The representative of Qatar stated that the situation had suddenly deteriorated as a result of the "excessive use" of military force by Israel against Lebanon "on the pretext of self-defence".⁷¹⁷ By contrast, the representative of the United States argued that there was "no moral equivalence between acts of terrorism and Israel's exercise of its legitimate right to self-defence". He insisted that the killing of civilians who died as the direct result of malicious terrorist acts

representative of Lebanon questioned the international community's use of the label of "self-defence" to justify the "escalating" Israeli military actions against Lebanon.

⁷¹¹ S/PV.5492, p. 3.

⁷¹² S/PV.5493, p. 19 (Slovakia); S/PV.5493 (Resumption 1), p. 4 (Peru); p. 7 (Denmark); p. 12 (France); p. 19 (Brazil); p. 27 (Australia); p. 39 (Canada); and p. 41 (Guatemala).

⁷¹³ S/PV.5493 (Resumption 1), p. 7 (United Kingdom); p. 9 (Argentina); and p. 23 (Norway).

⁷¹⁴ *Ibid.*, p. 23.

⁷¹⁵ S/PV.5493, p. 13 (Lebanon); p. 14 (Qatar); S/PV.5493 (Resumption 1), p. 20 (Saudi Arabia); p. 30 (Islamic Republic of Iran); p. 32 (Djibouti); p. 38 (Sudan); and p. 42 (United Arab Emirates).

⁷¹⁶ S/PV.5493 (Resumption 1), p. 28.

⁷¹⁷ S/PV.5493, p. 14.

was not morally equivalent to “the tragic and unfortunate consequence of civilian deaths as a result of military action taken in self-defence”.⁷¹⁸

C. Invocation of the right of self-defence in other instances

Communications concerning relations between the Democratic Republic of the Congo and Rwanda

By a letter dated 10 June 2004 addressed to the President of the Security Council, in connection with two letters dated 3 and 7 June 2004, respectively, from the representative of Rwanda,⁷¹⁹ the representative of the Democratic Republic of the Congo reiterated his Government’s “accusation of renewed aggression” by Rwanda in the area of Bukavu, “in flagrant violation of the Charter”. He reaffirmed that his Government had no “hidden agenda” in Rwanda, noting that “the inherent right of individual or collective self-defence” in the event of armed attack was enshrined in Article 51 of the Charter.⁷²⁰

By a letter dated 16 August 2004 addressed to the President of the Security Council, the representative of Rwanda called upon the international community to take action against the “incipient ethnic cleansing” of Bunyamulenge refugees in Rwanda and Burundi. Moreover, he asked for the “forcible disarmament, demobilization and repatriation” of ex-Rwandan Armed Forces/Interahamwe deployed along Rwanda’s border, and asserted that the “failure to do so” might force his country “to take appropriate measures in self-defence”.⁷²¹

Communications concerning relations between the Democratic Republic of the Congo and Uganda

By a letter dated 3 October 2005 addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo recalled the “threatening statements” made by the President of Uganda stating that the Ugandan army would cross the border with the Democratic Republic of the Congo if the Congolese Government and the United Nations Organization Mission in the Democratic Republic of

the Congo failed to disarm, within two months, the rebels of the Lord’s Resistance Army (LRA). He added that, in the light of “this new Ugandan threat” to his country’s international sovereignty, territorial integrity and political independence, his Government would have “no other choice but to act within the framework of international legality”, including by taking the “relevant action authorized by the Charter”, in particular the provisions of Article 51.⁷²²

In response, the representative of Uganda, by a letter dated 7 October 2005 addressed to the President of the Security Council, pointed out that “as a responsible and sovereign State”, Uganda was expected to guarantee the peace and security of its citizens, who, for an extended period of time, had been “terrorized” by LRA and other armed groups which used the territory of neighbouring States “as bases from which to attack Uganda”. Consequently, he declared that Uganda had an “obligation to defend itself” if attacked, in accordance with Article 51 of the Charter.⁷²³

Communications concerning relations between Eritrea and Ethiopia

By a letter dated 28 October 2005 addressed to the President of the Security Council, the representative of Eritrea declared that his country showed “maximum patience and restraint” throughout Ethiopia’s “occupation” of its territory, and declared that the measures taken by his country to protect its sovereignty and territorial integrity were “not tactically motivated posturing but rather legal acts of self-defence, recognized as such by the Charter”.⁷²⁴

By a letter dated 20 December 2005 addressed to the President of the Security Council, the representative of Ethiopia transmitted a press release issued by his country’s Ministry of Foreign Affairs in response to the decision of the Eritrea-Ethiopia Claims Commission. He noted that the Eritrean occupation of Badme could not be justified as lawful self-defence under the Charter as it was a “clear aggression without any provocation whatsoever from Ethiopia”.⁷²⁵

⁷²² S/2005/620.

⁷²³ S/2005/645.

⁷²⁴ S/2005/688.

⁷²⁵ S/2005/816.

⁷¹⁸ Ibid., p. 17.

⁷¹⁹ S/2004/452 and S/2004/459.

⁷²⁰ S/2004/489.

⁷²¹ S/2004/652.

Communications concerning the situation in the Sudan

By a letter dated 10 August 2004 addressed to the President of the Security Council, the representative of the Sudan announced an action plan to create conditions for the restoration of peace, security, stability and development in the Darfur. He stated that “all offensive military operations” by his Government’s armed forces in the proposed safe areas would cease immediately. He stressed that the Government of the Sudan armed forces would exercise restraint and avoid retaliation against rebel activities “notwithstanding their right of self-defence”.⁷²⁶

By a letter dated 10 February 2006 addressed to the President of the Security Council, the representative of the Sudan, in response to the report of the Panel of Experts established pursuant to resolution

⁷²⁶ S/2004/636.

1591 (2005),⁷²⁷ noted that his Government’s forces in Darfur were “totally committed to non-aggression”, which meant that they did not use any arms, “except in cases of self-defence”.⁷²⁸

Communication concerning the situation in the Middle East

By a series of identical letters addressed to the Secretary-General and the President of the Security Council, the representative of Israel reaffirmed his country’s right to self-defence, according to the Article 51 of the Charter, in response to attacks against its citizens and territory.⁷²⁹

⁷²⁷ S/2006/65.

⁷²⁸ S/2006/96.

⁷²⁹ S/2004/702, S/2004/757, S/2005/609, S/2005/756, S/2006/891, S/2006/1029, S/2007/285, S/2007/316, S/2007/368, S/2007/524, S/2007/733 and S/2007/741.

Chapter XII

Consideration of the provisions of other Articles of the Charter

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Introductory note

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.

This chapter consists of four parts. In part I, material pertaining to the purposes and principles of the United Nations is considered, namely Articles 1 (2), 2 (4), 2 (5) and 2 (7). In part II, Articles 24 to 26 are covered, relating to the functions and powers of the Security Council. Part III deals with the practice of the Security Council in connection with the provisions of Chapter VIII of the Charter, Articles 52 to 54, concerning regional arrangements. In part IV, under consideration of miscellaneous provisions of the Charter, material relating to Article 103 is included.

Chapter VIII of this Supplement describes the entire chain of proceedings of the Council relating to all the matters which the Council has taken up under its responsibility for the maintenance of international peace and security. The present chapter focuses on material selected to highlight how the provisions of the Articles featured herein were interpreted and applied in deliberations and decisions of the Council.

Part I

Consideration of the purposes and principles of the United Nations (Articles 1 and 2 of the Charter)

A. Article 1, paragraph 2

Article 1, paragraph 2

[*The Purposes of the United Nations are:*]

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take appropriate measures to strengthen universal peace.

Note

During the period under review, none of the decisions or other documents of the Security Council contained an explicit reference to Article 1 (2) of the Charter of the United Nations. The Council did however adopt several resolutions in connection with the situation concerning Western Sahara in which the principle of self-determination was referred to without giving rise to a constitutional discussion.¹ In several other cases, the Council made references that could be understood as having an implicit bearing on Article 1 (2). In welcoming the first general elections for the president and members of the House of Representatives of the Autonomous Region of Bougainville held from 20 May to 9 June 2005, the Council congratulated the Autonomous Bougainville Government and the people of Bougainville, and took note that those elections, “which reflect the expressed will of the people of Bougainville”, marked a significant and historical landmark in the Bougainville peace process.² Similarly, in connection with Afghanistan, the Council stressed the inalienable right of the people of Afghanistan to freely determine their own future, and welcomed the successful holding of the parliamentary and provincial elections on 18 September

¹ Resolutions 1541 (2004), second preambular paragraph; 1570 (2004), second preambular paragraph; 1598 (2005), second preambular paragraph; 1634 (2005), second preambular paragraph; 1675 (2006), second preambular paragraph; 1720 (2006), third preambular paragraph; 1754 (2007), third preambular paragraph and para. 2; and 1783 (2007), third preambular paragraph and para. 3.

² S/PRST/2005/23.

2005.³ In connection with Iraq, the Council, on a number of occasions, reaffirmed the right of the Iraqi people freely to determine their own political future and control their own resources.⁴

The principle of self-determination was often invoked in communications. For example, in connection with the situation concerning Western Sahara, in a letter dated 26 September 2005 to the President of the Council, the representative of Algeria argued that, through the extension of the appointment of the Personal Envoy of the Secretary-General for Western Sahara, the Council had wished to reiterate the need to implement the Peace Plan for Self-Determination of the People of Western Sahara and, “since this involves bringing about the decolonization of a non-self-governing territory within the meaning of the Charter of the United Nations, to urge the occupying Power to comply with international law concerning the sanctity of the principle of equal rights of peoples and their right to self-determination”.⁵

In the deliberations of the Council, the principle of self-determination was often invoked without giving rise to a constitutional discussion. While references to the principle of self-determination were too numerous to be listed here, mention may be made of discussions in connection with the items entitled “The situation in the Middle East, including the Palestinian question”,⁶ “Security Council resolutions 1160 (1998), 1199

³ Resolution 1662 (2006), fifth preambular paragraph.

⁴ Under the item entitled “The situation between Iraq and Kuwait”, resolution 1546 (2004), fourth preambular paragraph and para. 3; and under the item entitled “The situation concerning Iraq”, resolutions 1637 (2005), fourth preambular paragraph; 1723 (2006), fifth preambular paragraph; and 1790 (2007), fifth preambular paragraph.

⁵ S/2005/605, p. 2.

⁶ See, for example, S/PV.4929, p. 19 (Qatar); p. 23 (Kuwait); p. 24 (Saudi Arabia); and p. 32 (Malaysia); and S/PV.4945, p. 18 (Syrian Arab Republic); p. 20 (Yemen); p. 22 (United Arab Emirates); and p. 25 (Kuwait).

(1998), 1203 (1998), 1239 (1999) and 1244 (1999)”⁷ and “Children and armed conflict”.⁸

The two cases below reflect occasions when the Council, in its deliberations, dealt extensively with questions relating to the principle enshrined in Article 1 (2): in connection with the situation between Iraq and Kuwait, when the Council discussed the transfer of power from the Coalition Provisional Authority to the Government of Iraq (case 1); and in connection with threats to international peace and security caused by terrorist acts, when the Council discussed the definition of terrorism (case 2).

Case 1

The situation between Iraq and Kuwait

At the 4914th meeting, on 24 February 2004, the representative of the United States, in his briefing, maintained that the Coalition Provisional Authority, together with the Iraqi people and the United Nations, supported the transfer of sovereignty by 30 June 2004, as well as direct national elections as soon as practicable thereafter. He further argued that, until 30 June 2004, there was much to be done and welcomed the active engagement of the United Nations in helping the Iraqis define their own future and transition into a democratic, pluralistic society. Concerning the issue of governance, he emphasized that the Coalition Provisional Authority continued to support a transparent process of consultations and elections for the Iraqi people to choose representatives who reflected the make-up and character of their communities. Referring to the fact-finding mission dispatched by the Secretary-General, led by his Special Adviser, to assess the feasibility of direct elections by 30 June, he noted that the report of the mission⁹ had made clear that free and fair elections could not be held by 30 June, the date by which all agreed that the transfer of sovereignty should take place. Noting that the mechanism for governing Iraq between the transfer of sovereignty and the national elections remained to be worked out, he said that the Iraqi people, the Governing Council, the Coalition Provisional Authority and the United Nations would work to reach agreement on a transition mechanism

that would have the broad-based support of the Iraqi people.¹⁰

The representative of the United Kingdom, in his briefing, noted that Iraqis were gaining the right to control their own lives and their nation’s destiny. He underlined that the transfer of authority to a sovereign Government of Iraq on 30 June 2004 would be a defining moment. He maintained that the country was making progress towards the goal of a democratic Iraq governed by the people and for the people and appealed to the United Nations and its Members to continue to help the people of Iraq along that journey to ensure the successful transfer of authority on 30 June to a fully sovereign Iraqi Government.¹¹

The representative of Algeria stressed that the sooner the people of Iraq recovered full sovereignty and freely decided on their destiny, the sooner Iraq would regain peace, stability and progress, and he appealed for an end to “the occupation” as soon as possible. As the Secretary-General had recommended in his report¹² and because it was “the wish of the Iraqi people”, the United Nations should provide assistance to all political stakeholders to enable them to reach an understanding on the competence, the structure and the composition of the transitional body that needed to temporarily lead Iraq, as well as on the establishment process of that body. In that way, the United Nations would contribute not only to the establishment of a representative and credible government body with which the entire Iraqi people could identify, but also to enabling an orderly transfer of sovereignty to that organ and to ensuring that the date of the transfer, 30 June, was maintained in accordance with the wishes of all Iraqis. He said that maximum efforts needed to be made so that the electoral timetable would be strictly observed and that the people of Iraq would directly elect the men and women who would build and guide the future of Iraq into freedom, democracy and progress.¹³

The representative of the Russian Federation underlined the need to quickly restore Iraqi sovereignty and to ensure the rights of the people of Iraq to manage their own political future and to be the master of their own natural resources. He fully supported the position of the Secretary-General that only the Iraqis could truly

⁷ See, for example, S/PV.4967, p. 21 (Pakistan).

⁸ See, for example, S/PV.4898 (Resumption 1), p. 30 (Armenia).

⁹ S/2004/140.

¹⁰ S/PV.4914, pp. 2-4.

¹¹ Ibid., p. 6.

¹² S/2004/140.

¹³ S/PV.4914, pp. 7-8.

define specific ways to pursue the political process, which included agreement on a mechanism to restore their sovereignty and on the means to put it into effect. He added that this restored sovereignty would lead to the holding of general elections. In recognizing the ongoing discussions by the Iraqis on acceptable mechanisms, he said that there would be a provisional mechanism which would most likely possess limited authority.¹⁴ The representative of the Philippines stressed that a weak Iraqi Government with limited legitimacy, ineffective institutions and limited control over the country needed to be avoided, and that the United Nations would continue to be needed to “nurse the new Government’s strength and ability to govern”.¹⁵

The representative of France considered it essential that all Iraqis affirmed their commitment to respecting the date of 30 June for the return of sovereignty, thus confirming their readiness to reassume control of their destiny as soon as possible. He stressed that, more than the holding of elections, the date of 30 June represented “an essential milestone” in transition as it marked the return of Iraqi sovereignty. He noted that the deadline of 30 June should lead to a genuine restoration of Iraqi sovereignty and therefore to a genuine handover of authority and resources to the Iraqis, so that they could administer their own country.¹⁶

The representative of Spain agreed that the Iraqis needed to feel themselves to be masters of their own process.¹⁷ A number of speakers also stressed that the Iraqi people themselves had to define the process for constituting a transitional Government for Iraq until elections could be held.¹⁸

By a statement by the President of 27 April 2004, the Council welcomed the provisional ideas that the Special Adviser had submitted as a basis for the formation of an interim Iraqi Government to which sovereignty would be transferred on 30 June 2004.¹⁹

By a letter dated 7 June 2004 to the President of the Council, the Secretary-General, in reporting the assistance provided by the Organization, through his

Special Adviser, to Iraq’s political transition process, stressed that the United Nations had consistently held that there was no substitute for the legitimacy that came from free and fair elections. The elections scheduled for January 2005 were therefore the most important milestone in Iraq’s transitional political process and the formation of the Interim Iraqi Government marked a first step in that process. He also stated that the United Nations had been fully involved in facilitating consensus on the structure and composition of the Interim Government, which had resulted from a consultative process that had encompassed a large and diverse range of Iraqis, as well as the Governing Council and the Coalition Provisional Authority. He stressed that, although it had not been elected, there was “a capable and reasonably balanced Interim Government” ready to take power by 30 June 2004, which was the best outcome achievable under the circumstances.²⁰

At its 4987th meeting, on 8 June 2004, the Council unanimously adopted resolution 1546 (2004), by which it endorsed the formation of a sovereign Interim Government of Iraq, which would assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions affecting Iraq’s destiny beyond the limited interim period until an elected Transitional Government of Iraq assumed office. The Council welcomed the fact that, also by 30 June 2004, the occupation would end, the Coalition Provisional Authority would cease to exist and Iraq would reassert its full sovereignty. The Council also reaffirmed the right of the Iraqi people freely to determine their own political future and to control over their financial and natural resources.²¹

At the meeting, many speakers reiterated the importance of the inclusion of the above-mentioned provisions in the resolution.²² The representative of the United Kingdom maintained that the resolution, in addition to endorsing the formation of the interim Government, set a clear path for the future political process, which would end with elections on the basis of a constitution approved by the people of Iraq.²³ The representative of Pakistan hoped that the adoption of the resolution would enable the people of Iraq to, inter

¹⁴ *Ibid.*, pp. 8-9.

¹⁵ *Ibid.*, p. 14.

¹⁶ *Ibid.*, pp. 12-13.

¹⁷ *Ibid.*, p. 15.

¹⁸ *Ibid.*, p. 8 (Benin); p. 10 (Brazil); pp. 10-11 (Chile); pp. 11-12 (Germany); p. 17 (Pakistan); and p. 19 (United Kingdom).

¹⁹ S/PRST/2004/11.

²⁰ S/2004/461, p. 2.

²¹ Resolution 1546 (2004), paras. 1-3.

²² S/PV.4987, p. 4 (Algeria); p. 5 (Pakistan); p. 6 (China); p. 7 (France); p. 9 (Russian Federation); p. 10 (Chile); pp. 12-13 (Brazil); p. 13 (Romania); and p. 14 (Angola).

²³ *Ibid.*, p. 3.

alia, fully regain their sovereignty and control over their own destiny.²⁴ The representative of China considered it significant that the resolution gave expression to the principles of Iraqi sovereignty and the need for the people of Iraq to manage their own affairs.²⁵

At the 5033rd meeting, on 14 September 2004, the representative of Iraq stated that, despite an unprecedented rise in violence, a sovereign Government had taken office ahead of schedule and an Interim National Assembly had been formed. He maintained that the present government was “truly the most representative in Iraq’s history, not merely in terms of ethnic or confessional make-up”, but also “in terms of the broad range of political ideologies and beliefs held by its members”. While acknowledging difficulties, he stressed that a cohesive Iraqi State was being rebuilt “based upon the consent of the governed”. He also noted that a principal function of the interim Government was to provide for elections, as affirmed in resolution 1546 (2004).²⁶

At the 5123rd meeting, on 16 February 2005, the Under-Secretary-General for Political Affairs informed the Council of the successful holding of elections in Iraq on 30 January 2005, and noted that it was clear from the overall level of participation that the majority of the Iraqi people were committed to the political transition process that the country was undergoing, although regional variations had been significant. He held that the most immediate challenge of Iraq was to form a transitional Government that was broadly representative of Iraqi society and to find ways to bring together all Iraqi constituencies in a national effort to define the future of their country.²⁷ The representative of Iraq added that the people of Iraq had also proved that they alone possessed the will to determine their future and to choose the path that met their aspirations. He held that the Transitional National Assembly was on course to select a Government that represented the Iraqi people in all its diversity.²⁸

By a presidential statement dated 16 February 2005, the Council congratulated the people of Iraq on the successful elections of 30 January 2005 and commended them for having taken that step to exercise

their right to freely determine their own political future, and encouraged them to continue to do so in moving ahead with their political transition.²⁹

Case 2

Threats to international peace and security caused by terrorist acts

At its 5053rd meeting, on 8 October 2004, the Council adopted resolution 1566 (2004), by which it recalled, *inter alia*, that criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or the taking of hostages, with the purpose of provoking a state of terror in the general public or in a group of persons or particular persons, intimidating a population or compelling a government or an international organization to do or to abstain from doing any act, which constituted offences within the scope of and as defined in the international conventions and protocols relating to terrorism, were under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.³⁰

At the meeting, the representative of Algeria welcomed resolution 1566 (2004) because it avoided “any conflation of acts of terrorism and the legitimate rights of peoples to resist foreign occupation”, a principle that had been fully enshrined in international law and United Nations resolutions, while stressing that the resolution reaffirmed that criminal attacks against civilians were never justified for any reason.³¹ The representative of the Philippines agreed that the resolution “in no way” overturned the right to self-determination under the Charter. Likewise, legitimate acts against foreign occupation and alien domination were not thwarted in the least by the resolution.³²

The representative of the United States recalled that in some cases, “supporters of the murder of civilians” said that their acts of violence were justifiable acts of national liberation or of self-determination. Noting that some had suggested that circumstances might be sufficient to justify such terrorism, and that such justification might include “self-determination, national liberation or one’s own perception of the will of God”, he stressed that the resolution clearly stated

²⁴ *Ibid.*, p. 5.

²⁵ *Ibid.*, p. 6.

²⁶ S/PV.5033, p. 7.

²⁷ S/PV.5123, pp. 2-4.

²⁸ *Ibid.*, pp. 4-5.

²⁹ S/PRST/2005/5.

³⁰ Resolution 1566 (2004), para. 3.

³¹ S/PV.5053, p. 4.

³² *Ibid.*, p. 8.

that the deliberate massacre of innocents was never justifiable by any cause.³³ The representative of the Russian Federation also underlined that the major emphasis in the resolution was that terrorist acts were crimes that could be justified by no political, ideological, religious or other views of any nature.³⁴

At the 5059th meeting, on 19 October 2004, the representative of Israel said that there was no cause, grievance or claim that could justify terrorism and attacks on civilians. Quoting paragraph 3 of resolution 1566 (2004), he stressed that even those who still insisted on using words such as “resistance” or “freedom fighters” to blur the distinction between means and ends could not hide from these clear statements.³⁵ The representative of the United States expressed concern that some regional conventions would seem to justify attacks against civilians, depending on the political, philosophical, ideological, racial or ethnic motivation of the perpetrators, and stressed that this was contrary to the text and spirit of resolution 1566 (2004), by which the Council had unanimously endorsed the proposition that the deliberate targeting of civilians was simply unjustifiable by any cause.³⁶ Several other speakers stressed that terrorism could not be justified under any circumstances.³⁷

On the other hand, a number of delegations expressed support for a definition of terrorism that distinguished between terrorism and the legitimate struggle of peoples for their right to self-determination and against foreign occupation.³⁸ The representative of Pakistan, referring to paragraph 3 of resolution 1566 (2004), reiterated that a legal and internationally agreed definition of terrorism still needed to be developed and recalled that, as the United Nations had decided in the past that “a distinction should be maintained between terrorism and the right of peoples to self-determination”, the United Nations should not and could not reverse its historical support for peoples and nations struggling for liberation from foreign occupation and alien domination. He welcomed the reference in the preamble

of resolution 1566 (2004) to the underlying causes of terrorism, which provided a good basis for developing a long-term strategy to broaden the focus in the fight against terrorism. He argued that such a strategy should focus on the root causes of terrorism, such as the denial or violation of human rights, including the right of self-determination, which provided fertile breeding ground for terrorism.³⁹ The representative of Algeria stressed that there was a need to distinguish between terrorist acts, which were unjustifiable in all their forms and manifestations, and the legitimate struggle of peoples for liberation, self-determination, freedom and independence, including through armed struggle, in accordance with international law. He therefore argued that the criminal acts set out in paragraph 3 of resolution 1566 (2004) should not be interpreted as a definition of terrorism.⁴⁰ The representative of Egypt suggested that the most effective way to deal with terrorism was to do so within a legal framework that took into account the principles of international law and the importance of distinguishing between terrorism and legitimate armed struggle. Such a framework would make the distinction between terrorist acts, which needed to be criminalized, and the popular expression of political demands, which were legitimate. This approach would pave the way for the international community to respond collectively in isolating terrorist elements and exposing their illegitimate objectives.⁴¹

In a statement made by the President at the meeting,⁴² the Council, *inter alia*, reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to peace and security and that any acts of terrorism were criminal and unjustifiable, regardless of their motivation, whenever and by whomsoever committed.

B. Article 2, paragraph 4

Article 2, paragraph 4

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

³³ *Ibid.*, p. 7.

³⁴ *Ibid.*, p. 3.

³⁵ S/PV.5059 (Resumption 1), p. 4.

³⁶ S/PV.5059, p. 19.

³⁷ *Ibid.*, pp. 25-26 (India); S/PV.5059 (Resumption 1), p. 7 (Uganda); p. 15 (Nepal); and p. 20 (Costa Rica).

³⁸ S/PV.5059, p. 13 (Pakistan); p. 17 (Algeria); and p. 27 (Cuba); S/PV.5059 (Resumption 1), p. 3 (Bangladesh); p. 14 (El Salvador); and p. 17 (Egypt).

³⁹ S/PV.5059, p. 13.

⁴⁰ *Ibid.*, p. 17.

⁴¹ S/PV.5059 (Resumption 1), p. 17.

⁴² S/PRST/2004/37.

Note

The practice of the Security Council touching upon the provisions of Article 2 (4), is illustrated below, first by decisions most relevant to the principles enshrined in that Article, and secondly by constitutional discussion within the Council touching upon the interpretation and application of Article 2 (4). A few communications containing explicit references to Article 2 (4) were received during the reporting period.⁴³

Decisions relating to Article 2 (4)

During the reporting period, the Council adopted no decisions containing an explicit reference to Article 2 (4). The Council did however, by its resolutions and decisions, reaffirm the principle of refraining from the threat or use of force in international relations; reiterated its position against interference by States in the internal affairs of others; condemned hostile action across borders of States; reaffirmed its commitment to the inviolability of international borders; and repeated its call for respect for the sovereignty, territorial integrity and political independence of States, as illustrated below.

Affirmation of the principle of refraining from the threat or use of force

By a number of its decisions concerning both regional situations and thematic issues, the Council reaffirmed the principle of refraining from the threat or use of force in international relations, as enshrined in Article 2 (4), quoting the text of Article 2 (4) on several occasions. In connection with the item entitled "Threats to international peace and security", the Council, by resolution 1625 (2005) of 14 September 2005, adopted a declaration on strengthening the effectiveness of the role of the Council in conflict

prevention, particularly in Africa, in which it reaffirmed the importance of adhering to the principles of "refraining, in international relations, from the threat or the use of force in any manner inconsistent with the purposes of the United Nations."⁴⁴ In connection with the same item, by a presidential statement dated 8 January 2007, the Council reaffirmed its commitment to the principles of sovereign equality, national sovereignty, territorial integrity and political independence of all States and underlined the importance of adhering to those principles.⁴⁵

In connection with the situation in Chad and the Sudan, by a presidential statement of 25 April 2005, the Council called on all Members to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations". The Council also urged both Chad and the Sudan to refrain from any actions that violated their border.⁴⁶ In connection with the situation between Ethiopia and Eritrea, the Council, by a series of decisions, reiterated its call on both parties to refrain from any threat or use of force against each other.⁴⁷ For example, by resolution 1767 (2007) of 30 July 2007, the Council reiterated its call for the parties to show maximum restraint and refrain from any threat or use of force against each other.⁴⁸ In connection with the situation in the Great Lakes region, by resolution 1653 (2006) of 27 January 2006, the Council underlined the fact that all States in the region had to abide by their obligations under the Charter to refrain from the threat or use of force against the territorial integrity or political independence of their neighbours.⁴⁹ In connection with the situation concerning the Democratic Republic of the Congo, by a series of decisions, the Council repeatedly called upon the States of the region to put an end to the activities of illegal armed groups and underlined that any recourse to the threat or use of force against the

⁴³ Letter dated 3 October 2005 from the representative of the Democratic Republic of the Congo to the President (S/2005/620); letter dated 22 December 2005 from the representative of Ethiopia to the President (S/2005/816); letters dated 17 March 2006 and 31 July 2006 from the representative of the Islamic Republic of Iran to the Secretary-General and the President (S/2006/178 and S/2006/603, respectively); identical letters dated 22 May 2006 from the representative of Ethiopia to the Secretary-General and the President (S/2006/323); and letter dated 8 October 2007 from the representative of Azerbaijan to the Secretary-General (S/2007/615).

⁴⁴ Resolution 1625 (2005), annex, fifth preambular paragraph.

⁴⁵ S/PRST/2007/1.

⁴⁶ S/PRST/2006/19.

⁴⁷ Resolutions 1531 (2004), para. 5; 1586 (2005), para. 2; 1622 (2005), para. 3; 1640 (2005), para. 2; 1710 (2006), para. 3; 1741 (2007), para. 6; and 1767 (2007), para. 3; S/PRST/2005/47; S/PRST/2006/10; and S/PRST/2007/43.

⁴⁸ Resolution 1767 (2007), para. 3.

⁴⁹ Resolution 1653 (2006), para. 11.

territorial integrity of a State was contrary to the Charter of the United Nations.⁵⁰

Reiteration of the principle of non-interference by States in the internal affairs of others

In some cases, the Council reiterated its position against interference by States in the internal affairs of other States. For instance, in connection with the situation concerning Iraq, by resolution 1790 (2007) of 18 December 2007, the Council reaffirmed the importance of the principle of non-interference in the internal affairs of Iraq.⁵¹ Concerning the situation in Afghanistan, by resolution 1662 (2006) of 23 March 2006, the Council encouraged the promotion of confidence-building measures between Afghanistan and its neighbours in the spirit of the Kabul Declaration on Good-neighbourly Relations of 22 December 2002⁵² in order to foster dialogue and cooperation in the region “in full respect for the principles of territorial integrity, mutual respect, friendly relations and non-interference in each other’s internal affairs”.⁵³

In connection with the situation concerning the Democratic Republic of the Congo, by a presidential statement of 22 June 2004, the Council, condemning any involvement by outside forces in the Democratic Republic of the Congo, urged Rwanda not to provide any practical or political support to armed groups in the Democratic Republic of the Congo. The Council also reminded Uganda not to interfere in the Democratic Republic of the Congo, including through military support for armed groups, and called upon Burundi to prevent any support from its territory to armed groups in the Democratic Republic of the Congo.⁵⁴ By subsequent decisions the Council similarly demanded that those regional States not allow the use of their respective territories in support of activities of armed groups operating in the region.⁵⁵ In connection with the situation in the Middle East, by resolution 1636 (2005) of 31 October 2005, the Council, emphasizing that the future of Lebanon should be decided through peaceful means by the Lebanese themselves, free of intimidation

and foreign interference, insisted that the Syrian Arab Republic not interfere in Lebanese domestic affairs, either directly or indirectly, and that it should refrain from any attempt aimed at destabilizing Lebanon, and respect scrupulously the sovereignty, territorial integrity, unity and political independence of that country.⁵⁶

During the period under review, the Council repeatedly recalled the principles of good-neighbourliness, non-interference and regional cooperation, in cooperation with Burundi,⁵⁷ Côte d’Ivoire,⁵⁸ the Sudan,⁵⁹ and the Great Lakes region.⁶⁰

Calls for respect for the sovereignty, territorial integrity and political independence of States

In dealing with regional situations, the Council reaffirmed its respect for the sovereignty, territorial integrity and political independence of States on many occasions during the period under review.⁶¹ On several

⁵⁶ Resolution 1636 (2005), fifteenth preambular paragraph and para. 12.

⁵⁷ Resolutions 1545 (2004), second preambular paragraph; 1577 (2004), second preambular paragraph; 1602 (2005), second preambular paragraph; 1641 (2005), second preambular paragraph; 1650 (2005), second preambular paragraph; 1669 (2006), second preambular paragraph; and 1692 (2006), second preambular paragraph.

⁵⁸ Resolutions 1527 (2004), second preambular paragraph; 1528 (2004), second preambular paragraph; 1572 (2004), second preambular paragraph; 1584 (2004), second preambular paragraph; 1594 (2005), second preambular paragraph; 1600 (2005), second preambular paragraph; 1603 (2005), second preambular paragraph; 1609 (2005), third preambular paragraph; 1633 (2005), second preambular paragraph; 1643 (2005), second preambular paragraph; 1652 (2006), second preambular paragraph; 1657 (2006), second preambular paragraph; 1682 (2006), second preambular paragraph; 1721 (2006), second preambular paragraph; 1726 (2006), second preambular paragraph; 1727 (2006), second preambular paragraph; 1739 (2007), third preambular paragraph; 1763 (2007), second preambular paragraph; 1765 (2007), second preambular paragraph; and 1782 (2007), second preambular paragraph.

⁵⁹ Resolutions 1574 (2004), second preambular paragraph; 1590 (2005), second preambular paragraph; 1591 (2005), second preambular paragraph; 1651 (2005), sixth preambular paragraph; 1665 (2006), seventh preambular paragraph; 1713 (2006), eighth preambular paragraph; and 1779 (2007), ninth preambular paragraph.

⁶⁰ Resolution 1653 (2006), fourth preambular paragraph.

⁶¹ Numerous to cite here; see, for instance, in connection with the situation concerning Iraq, resolution 1790 (2007), fourth preambular paragraph.

⁵⁰ Resolution 1649 (2005), ninth preambular paragraph; S/PRST/2004/45; S/PRST/2005/46; S/PRST/2006/4.

⁵¹ Resolution 1790 (2007), fourth preambular paragraph.

⁵² S/2002/1416, annex.

⁵³ Resolution 1662 (2006), para. 19.

⁵⁴ S/PRST/2004/21.

⁵⁵ Resolutions 1592 (2005), para. 9; and 1756 (2007), para. 18.

occasions the Council explicitly called upon States to respect those principles. In connection with the situation in Burundi, the Council, by a presidential statement dated 15 August 2004, called upon all States in the region to ensure that the territorial integrity of their neighbours was respected.⁶² In connection with the situation in the Middle East, following the issuance of the report of the International Independent Investigation Commission concerning its investigation into the terrorist bombing in Beirut on 14 February 2005 that had killed the former Prime Minister of Lebanon, Rafiq Hariri, and others,⁶³ the Council, by resolution 1636 (2005) of 31 October 2005, took note with extreme concern of the conclusion of the Commission that there was converging evidence pointing at the involvement of both Lebanese and Syrian officials and determined that the involvement of any State “in that terrorist act” would amount to a serious violation of its obligation to respect the sovereignty and political independence of Lebanon.⁶⁴

Condemnation of hostile action and movements of armed groups across the border of a State

With regard to several situations of which it was seized, the Council called for cessation of involvement by foreign Governments in various conflicts and demanded withdrawal of foreign forces from the territories of other States. In connection with the situation concerning the Democratic Republic of the Congo, following the reports of incursions into the Democratic Republic of the Congo by elements of the Rwandan army and incursions made by the Forces démocratiques de libération du Rwanda into the territory of Rwanda, the Council, by a presidential statement of 14 May 2004, condemned any violation of the national sovereignty and territorial integrity of the Democratic Republic of the Congo as well as any incursions of armed groups into Rwanda. The Council demanded that the Government of Rwanda take measures to prevent the presence of any of its troops on the territory of the Democratic Republic of the Congo.⁶⁵ By a presidential statement dated 7 December 2004, the Council demanded that the Government of Rwanda withdraw without delay any forces it might

have in the territory of the Democratic Republic of the Congo.⁶⁶

In connection with the situation in Côte d’Ivoire, the Council urged countries neighbouring Côte d’Ivoire to prevent any cross-border movement of combatants or arms into Côte d’Ivoire.⁶⁷ Concerning the situation in the Middle East, by resolution 1559 (2004) of 2 September 2004, the Council reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country, and called upon all remaining foreign forces to withdraw from Lebanon.⁶⁸ By resolution 1701 (2006) of 11 August 2006, the Council, upon full cessation of hostilities, called upon the Government of Lebanon and the United Nations Interim Force in Lebanon to deploy their forces together throughout the south, and called upon the Government of Israel, as that deployment began, to withdraw all of its forces from southern Lebanon in parallel.⁶⁹

Deliberations relating to Article 2 (4)

During the period under review, there were instances in the deliberations of the Council in which explicit references were made to Article 2 and paragraph 4 thereof.⁷⁰ In connection with the item entitled “Non-proliferation”, at the 5500th meeting, on 31 July 2006, the representative of the Islamic Republic of Iran regretted that the Council had been prevented from reacting to acts of aggression and other violations of international law, such as the daily threats of resort to force against his country and even threats of using nuclear weapons that had been uttered at the highest levels by representatives of the United States, the United Kingdom and Israel “in violation of Article 2 (4) of the Charter”.⁷¹ At the 5647th meeting, on 24 March 2007, the representative of the United

⁶² S/PRST/2004/30.

⁶³ See S/2005/662.

⁶⁴ Resolution 1636 (2005), paras. 1 and 4.

⁶⁵ S/PRST/2004/15.

⁶⁶ S/PRST/2004/45.

⁶⁷ Resolutions 1633 (2005), para. 19, and 1721 (2006), para. 29.

⁶⁸ Resolution 1559 (2004), paras. 1 and 2.

⁶⁹ Resolution 1701 (2006), para. 2.

⁷⁰ In connection with non-proliferation, see S/PV.5500, p. 8 (Islamic Republic of Iran) and S/PV.5647, p. 10 (United States); in connection with Security Council mission, see S/PV.5096, p. 4 (Democratic Republic of the Congo); and in connection with the situation in the Middle East, including the Palestinian question, see S/PV.5736, p. 30 (Syrian Arab Republic).

⁷¹ S/PV.5500, p. 8.

States asserted that the path chosen by the leadership of the Islamic Republic of Iran posed a direct challenge to the very principles on which the United Nations was founded. He recalled that Article 2 of the Charter made it clear that all Members should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State and that the calls by the leaders of the Islamic Republic of Iran to have Israel “wiped off the map” stood in stark contrast to everything for which the Council stood.⁷²

The three case studies below reflect the debates and decisions of the Council most relevant to the principles enshrined in Article 2 (4). The first, concerning the item entitled “Security Council mission”, features the discussion relating to the situation concerning the Democratic Republic of the Congo (case 3). The second case relates to the situation in the Middle East, including the Palestinian question (case 4). The third case concerns the Syrian-Lebanese relations under the item entitled “The situation in the Middle East” (case 5).

Case 3

Security Council mission

At the 5096th meeting, on 8 December 2004, during consideration of the report of the Security Council mission to Central Africa from 21 to 25 November 2004,⁷³ several speakers addressed the issue of former Rwandan Armed Forces/Interahamwe in the territory of the Democratic Republic of the Congo.⁷⁴

The representative of the Democratic Republic of the Congo said that, despite consultations between Rwandan and Congolese authorities to establish a climate of trust, Rwanda continued to make threats against the Democratic Republic of the Congo, which, in his opinion, was a deliberate attempt to prolong insecurity in the eastern part of his country. He asserted that, immediately following the Dar es Salaam Conference on Peace, Security, Democracy and

Development in the Great Lakes Region, the President of Rwanda had issued a declaration of war under the pretext of pursuing so-called negative forces and redeployed Rwandan troops in the provinces of North and South Kivu. He said that Rwanda’s demonstrated willingness to take responsibility for unleashing hostilities against the Democratic Republic of the Congo was in violation of the principles of the inviolability of borders, enshrined in Article 2 (4) of the Charter. He added that all incursions by foreign forces, including those of Rwanda, would require the Government of the Democratic Republic of the Congo to strictly implement Article 51 of the Charter, which stipulated the inherent right of individual or collective self-defence.⁷⁵

The representative of Rwanda reiterated that the allegations of the presence of Rwandan army troops were false and that the deployment of troops along the common border with the Democratic Republic of the Congo was intended to counter incursions perpetrated by former Rwandan Armed Forces/Interahamwe from the territory of the Democratic Republic of the Congo. He argued that the sovereignty and territorial integrity of Rwanda had been repeatedly violated over the past 10 years with relative impunity by those forces and that cross-border attacks were very frequent.⁷⁶

The representative of the Netherlands, speaking on behalf of the European Union, expressed concern about reports regarding the military incursion by Rwandan armed forces into the Democratic Republic of the Congo. Condemning any violation of the territorial integrity of the Democratic Republic of the Congo, the European Union called upon the Government of Rwanda to respect the sovereignty and territory of the Democratic Republic of the Congo and to withdraw its forces.⁷⁷ Similar concern was expressed by the representative of Japan.⁷⁸

The representative of the Philippines⁷⁹ pointed out that the Council’s clear position on the border problem in the region was set out in the presidential statement of 7 December 2004, by which the Council expressed, *inter alia*, its concern at multiple reports of military operations by the Rwandan army in the eastern

⁷² S/PV.5647, p. 10.

⁷³ S/2004/934.

⁷⁴ S/PV.5096, p. 4 (Democratic Republic of the Congo); p. 8 (Netherlands, on behalf of the European Union); p. 10 (Rwanda); p. 12 (Germany); p. 14 (Brazil); p. 15 (United Kingdom); p. 17 (Pakistan); p. 18 (Benin); and p. 20 (Angola).

⁷⁵ *Ibid.*, p. 4.

⁷⁶ *Ibid.*, p. 10.

⁷⁷ *Ibid.*, p. 8.

⁷⁸ *Ibid.*, p. 11.

⁷⁹ *Ibid.*, p. 16.

part of the Democratic Republic of the Congo and at threats by the Government of Rwanda in that regard, underlined the fact that the threat or use of force against the territorial integrity of any State was contrary to the purposes and principles stated in the Charter, and demanded the Government of Rwanda withdraw without delay any forces it might have in the territory of the Democratic Republic of the Congo.⁸⁰

The representative of Pakistan stressed the importance of respect for the principles of sovereignty, independence and territorial integrity for all States and further stressed that international borders were inviolable. He added that, in the absence of actual external military aggression, the threat or use of force across international borders could not be justified and said that, as declared in the presidential statement dated 7 September 2004, Rwanda should withdraw without delay any forces from the Democratic Republic of the Congo and exercise restraint in its actions and pronouncements.⁸¹

Case 4

The situation in the Middle East, including the Palestinian question

At the 5411th meeting, on 17 April 2006, the representative of Israel quoted statements allegedly made by the leaders of the Islamic Republic of Iran, the Syrian Arab Republic and the newly-elected Government of the Palestinian Authority and described those statements as “clear declarations of war”.⁸²

In response, the representative of the Islamic Republic of Iran pointed out that his country had officially declared its commitment to the fundamental principle of the Charter to refrain from the threat or use of force against any Member of the United Nations. On the other hand, he held that the “daily barrage of illegal threats” relating to the resort to force by Israeli officials, recent instances of which he said had started in December 2003, required urgent and serious attention by the Council. He urged the Council to demand that Israel abandon its “policy of flouting international law and the Charter” and cease immediately from resorting to the threat of the use of force.⁸³

⁸⁰ S/PRST/2004/45.

⁸¹ S/PV.5096, p. 17.

⁸² S/PV.5411, p. 6.

⁸³ *Ibid.*, p. 33.

Case 5

The situation in the Middle East

At the 5028th meeting, on 2 September 2004, the Council adopted resolution 1559 (2004) by which it, *inter alia*, reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, called upon all remaining foreign forces to withdraw from Lebanon, supported the extension of the control of the Government of Lebanon over all Lebanese territory and declared its support for a free and fair electoral process in Lebanon’s upcoming presidential elections conducted according to Lebanese constitutional rules devised without foreign interference or influence.⁸⁴

The representative of Lebanon asserted that the resolution confused two matters — one that related to the relations between Lebanon and the Syrian Arab Republic and another that was purely internal and related to the presidential electoral process in Lebanon because the mandate of its President would come to an end on 23 November 2004. He declared that the relations between Lebanon and the Syrian Arab Republic were unique and achieved their common interests, particularly the interests of Lebanon, as the Syrian Arab Republic had helped Lebanon to maintain security and stability within its borders, while Israel had threatened the security of Lebanon and stability by violating its land borders, territorial waters and airspace. He stressed that the Syrian troops had come to Lebanon in response to Lebanon’s legitimate request, guided by the Taif Agreement. In his opinion, the resolution discussed the bilateral relations between two friendly countries, neither of which had filed any complaint with regard to those relations.⁸⁵

The representative of China, which abstained in the voting, stressed that his country had always been resolute in supporting respect for, and the safeguarding of, the sovereignty, independence and territorial integrity of Lebanon, stating that respect for sovereignty, independence and territorial integrity and the principle of non-interference in internal affairs in international relations was a fundamental principle enshrined in the Charter. In his view, the resolution

⁸⁴ Resolution 1559 (2004), paras. 1-5.

⁸⁵ S/PV.5028, p. 3.

touched on questions that fell within the purview of the internal affairs of Lebanon and should be decided by the Lebanese people themselves. Pointing out the objection by the Government of Lebanon to the consideration of those questions expressed in letters to the President and the Secretary-General,⁸⁶ he explained that his country respected the wishes of that Government.⁸⁷

On the other hand, the representative of the United States stressed that the Council consistently supported the full sovereignty and independence of Lebanon, free of all foreign forces. He asserted that the Syrian Arab Republic had “imposed its political will” on Lebanon and “compelled” the Cabinet and the National Assembly to amend the Constitution and “abort” the electoral process. Declaring that Lebanese parliamentarians had been “pressured, and even threatened” by the Syrian Arab Republic, he argued that the Lebanese parliament and Cabinet should express the will of their people through a free and fair presidential electoral process, and supported the extension of the control of the Government of Lebanon over all Lebanese territory, as called for by the Council over the previous four years. He stated that the presence of armed Hizbullah militia elements, the Syrian military and Iranian forces in Lebanon hindered that goal. He underlined that it was wrong for the Syrian Arab Republic to continue to maintain its forces in Lebanon, in flat contravention of the spirit and clear intent of the Taif Agreement, and it would be also wrong for it to continue to interfere in the presidential electoral process in Lebanon.⁸⁸

The representative of France asserted that the future of Lebanon was being seriously threatened by the interference of the Syrian Arab Republic in the political life of the country and, in particular, in the electoral process, as well as by the continued occupation and the persistent presence of armed militias. He said that the withdrawal of foreign forces from the entire territory of Lebanon should not be delayed any longer and that the electoral process should proceed without any foreign interference.⁸⁹

By a presidential statement dated 4 May 2005, the Council acknowledged the letter of 26 April 2005 from the Minister for Foreign Affairs of the Syrian

Arab Republic to the Secretary-General stating that the Syrian Arab Republic had completed the full withdrawal of its forces, military assets and intelligence apparatus from Lebanon.⁹⁰ The Council also acknowledged that the full and complete Syrian withdrawal would represent a significant and important step towards Lebanon’s full political independence and full exercise of its sovereignty, which was the ultimate goal of resolution 1559 (2004), thus opening a new chapter in Lebanese history. Welcoming the decision of the Government of Lebanon to conduct elections beginning on 29 May 2005, the Council underlined the fact that free and credible elections held without foreign interference or influence would be another central indication of the political independence and sovereignty of Lebanon.⁹¹

C. Article 2, paragraph 5

Article 2, paragraph 5

All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

Note

During the period under review, there were no explicit references to Article 2 (5) in the decisions of the Security Council. There was one explicit reference in the deliberations of the Council. In connection with the item entitled “Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security”, the representative of Uruguay stated that Article 2 (5) of the Charter established the obligation of all Members to provide every assistance in any action taken in accordance with the Charter. He argued that such action was collective, and therefore all shared that obligation, under equal conditions, which would ensure that the action was legitimate.⁹²

The Council did adopt several resolutions and a number of presidential statements which might have an implicit bearing on the principle enshrined in

⁸⁶ S/2004/699.

⁸⁷ S/PV.5028, p. 5.

⁸⁸ *Ibid.*, p. 4.

⁸⁹ *Ibid.*, p. 4.

⁹⁰ S/2005/272.

⁹¹ S/PRST/2005/17.

⁹² S/PV.5649 (Resumption 1), p. 4.

Article 2 (5), as grouped into two categories below. First, examples are given of calls for assistance relating to mandatory measures within the framework of Article 41 of the Charter; subsidiary bodies of the Council, including peacekeeping operations; actions of regional organizations authorized under Chapter VII of the Charter; and Council-authorized multinational forces. Secondly, instances are given in which the Council, by its decisions, called on all States to refrain from actions that could be seen as providing assistance to a State against which the United Nations was taking preventive or enforcement action.

Examples of calls for assistance

Assistance relating to measures imposed within the framework of Article 41 of the Charter

During the period under review, implicit references to Article 2 (5) were frequently made in decisions of the Council in connection with the measures imposed by the Council under Article 41 of the Charter.⁹³ In a number of instances, the Council called on States to take action, or otherwise strengthen their efforts, in support of sanctions or other measures that had been imposed by the Council.⁹⁴ In connection with the item entitled “Non-proliferation”, by resolution 1737 (2006) of 23 December 2006, the Council, in imposing sanctions against the Islamic Republic of Iran related to its nuclear programme, called upon all States to exercise vigilance and prevent specialized teaching or training of Iranian nationals, within their territories or by their nationals, of disciplines which would contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities and to the development of nuclear weapon delivery systems.⁹⁵ With regard to the situation concerning the Democratic Republic of the Congo, the Council, by resolution 1533 (2004) of 12 March 2004, reaffirmed the demand made in resolution 1493 (2003) that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in the Ituri district, and to groups not parties to the Global and All-Inclusive Agreement on

⁹³ For more information on Article 41, see chap. XI, part III.

⁹⁴ For more information on actions that the Council required Member States to take relating to measures under Article 41, see chap. XI, part VI.

⁹⁵ Resolution 1737 (2006), para. 17.

the Transition in the Democratic Republic of the Congo.⁹⁶

The Council also called for Member States to give assistance to its subsidiary bodies in connection with measures imposed under Article 41. By resolution 1584 (2005) of 1 February 2005 regarding the situation in Côte d’Ivoire, the Council urged all States to cooperate fully with the Committee established by paragraph 14 of resolution 1572 (2004), the Group of Experts, and the United Nations Operation in Côte d’Ivoire, in particular by supplying any information at their disposal on possible violations of the arms embargo imposed by resolution 1572 (2004).⁹⁷

Assistance relating to subsidiary bodies of the Security Council

In a number of decisions, the Council called upon Member States to provide assistance to peacekeeping missions, including provision of troops and material support.⁹⁸ In connection with the situation in Chad, the Central African Republic and the subregion, the Council, by resolution 1778 (2007) of 25 September 2007, urged all Member States to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, intended for the United Nations Mission in the Central African Republic and Chad.⁹⁹

In other cases, the Council called on Member States to provide support to other subsidiary organs, including investigative bodies. By resolution 1595 (2005) of 7 April 2005, the Council, in establishing the International Independent Investigation Commission, called upon all States and all parties to cooperate fully with the Commission, and in particular to provide it with any relevant information they might possess pertaining to the terrorist bombing in Beirut on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, and others.¹⁰⁰

⁹⁶ Resolution 1533 (2004), para. 1.

⁹⁷ Resolution 1584 (2005), para. 11.

⁹⁸ For requests to Member States to provide assistance to peacekeeping operations in resolutions adopted under Chapter VII of the Charter, see chap. XI, part V, sect. A.

⁹⁹ Resolution 1778 (2007), paras. 9 and 14.

¹⁰⁰ Resolution 1595 (2005), paras. 1 and 7.

Assistance relating to actions by regional arrangements authorized by the Security Council under Chapter VII

In some cases, the Council called upon Member States to assist enforcement actions taken by the regional arrangements which were authorized by the Council. In connection with the situation in Somalia, by resolution 1772 (2007) of 20 August 2007, the Council urged Member States to provide financial resources, personnel, equipment and services for the full deployment of the African Union Mission in Somalia, which was authorized to take all necessary measures appropriate to carry out its mandate.¹⁰¹ In connection with the situation concerning the Democratic Republic of the Congo, by resolution 1671 (2006) of 25 April 2006, while authorizing under Chapter VII of the Charter the temporary deployment of a European Union force to support the United Nations Organization Mission in the Democratic Republic of the Congo during the elections period, the Council requested all Member States to provide all necessary support to facilitate the swift deployment of the European Union force.¹⁰²

Assistance relating to multinational forces authorized by the Security Council

In a number of cases, the Council called on States to provide assistance to multinational forces that it had authorized. With regard to Iraq, by resolution 1546 (2004) of 8 June 2004, the Council, in reaffirming the authorization for the multinational force established by resolution 1511 (2003), requested Member States to contribute assistance to the multinational force, including military forces, as agreed with the Government of Iraq, to help to meet the needs of the Iraqi people for security and stability, humanitarian and reconstruction assistance, and to support the efforts of the United Nations Assistance Mission for Iraq.¹⁰³ In the case of Afghanistan, by resolution 1623 (2005) of 13 September 2005, the Council called upon Member States to contribute personnel, equipment and other resources to the International Security Assistance Force whose authorization it extended for another year by that resolution.¹⁰⁴

¹⁰¹ Resolution 1772 (2007), para. 14.

¹⁰² Resolution 1671 (2006), paras. 2 and 13.

¹⁰³ Resolution 1546 (2004), paras. 9 and 15.

¹⁰⁴ Resolution 1623 (2005), paras. 1 and 3.

Examples of calls for States to refrain from assisting the target of preventive or enforcement actions

In a number of resolutions concerning the situation in Somalia, the Council reiterated its insistence that all Member States, in particular those in the region, should refrain from any action in contravention of the arms embargo.¹⁰⁵ By resolution 1725 (2006) of 6 December 2006, the Council further insisted that all Member States should take all actions necessary to prevent such contraventions.¹⁰⁶

In connection with the situation concerning the Democratic Republic of the Congo, the Council demanded that the Governments of Uganda, Rwanda and the Democratic Republic of Congo put a stop to, or take measures to prevent, the use of their respective territories in support of violations of the arms embargo or in support of activities of armed groups present in the region.¹⁰⁷

D. Article 2, paragraph 7

Article 2, paragraph 7

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Note

During the period under review, the Council adopted no decisions containing an explicit reference to Article 2 (7), but a few decisions did contain provisions which might be deemed to have an implicit bearing on that Article. In connection with United Nations peacekeeping operations, the Council, by a

¹⁰⁵ Resolutions 1630 (2005), ninth preambular paragraph; 1676 (2006), tenth preambular paragraph; 1724 (2006), ninth preambular paragraph; 1725 (2006), fourth preambular paragraph; and 1766 (2007), tenth preambular paragraph.

¹⁰⁶ Resolution 1725 (2006), fourth preambular paragraph.

¹⁰⁷ Resolutions 1592 (2005), para. 9; and 1649 (2005), para. 15.

presidential statement dated 17 May 2004, reaffirmed its commitment to the purposes and principles enshrined in the Charter of the United Nations, in particular, the political independence, sovereignty and territorial integrity of all States in conducting all peacekeeping and peacebuilding activities.¹⁰⁸

Explicit references to Article 2 (7) were made in a few communications to the Council.¹⁰⁹ In the deliberations of the Council, Article 2 and paragraph 7 thereof were invoked explicitly on several occasions.¹¹⁰ Deliberations during which the principles enshrined in Article 2 (7), while not always expressly invoked, were frequently touched upon, are illustrated in the six cases below. The first case deals with the situation in Myanmar (case 6), and two cases (cases 7 and 8) concern the situation in the Middle East. Case 7 covers Council meetings relating to the adoption of resolution 1559 (2004), while case 8 refers to the discussion relating to resolution 1757 (2007), by which the Council decided to establish a special tribunal for Lebanon. The last three cases relate to thematic issues, namely, the maintenance of international peace and security: role of the Security Council in supporting security sector reform (case 9); maintenance of international peace and security (case 10); and protection of civilians in armed conflict (case 11).

Case 6

The situation in Myanmar

At the 5526th meeting, on 15 September 2006, before the Council adopted its provisional agenda,¹¹¹ the representative of the United States recalled that,

¹⁰⁸ S/PRST/2004/16.

¹⁰⁹ Letter dated 19 February 2004 from the representative of Finland to the President of the Council (S/2004/135); identical letters dated 1 September 2004 from the representative of the Syrian Arab Republic to the Secretary-General and the President of the Council (S/2004/706); and identical notes verbales dated 6 October 2004 from the Permanent Mission of the Syrian Arab Republic to the United Nations to the Secretary-General and the President of the Council (S/2004/796).

¹¹⁰ In connection with the situation in the Middle East, see S/PV.5028, p. 6 (Pakistan); and p. 7 (Philippines); S/PV.5417, p. 6 (Syrian Arab Republic); and S/PV.5685, p. 3 (Indonesia). In connection with maintenance of international peace and security, see S/PV.5735, p. 21 (Indonesia).

¹¹¹ S/Agenda/5526.

due to the deteriorating situation in Myanmar, which threatened to have a destabilizing impact on the region and was likely to endanger the maintenance of international peace and security, his Government had requested that the situation in Myanmar be placed on the agenda of the Council.¹¹²

The representative of China, pointing out that according to the Charter it was only those questions that constituted threats to international peace and security that warranted discussion by the Council, maintained that labelling the situation in Myanmar as a threat to international peace and security was a “far cry from reality” and argued that to request the Council to discuss an issue which by nature pertained to the internal affairs of a country not only exceeded the mandate given by the Charter to the Council but would also undermine the authority and legality of the Council. Stressing that Myanmar was attempting to solve its own problems, he said that to force the Council into intervening was not only inappropriate but would also further complicate the situation and have a negative impact on future interaction between Myanmar and the United Nations. He maintained that the events in Myanmar related to the internal affairs of that country, and that it should therefore be left to the Government and the people of Myanmar to find a solution to the problem on the basis of consultations.¹¹³ Following the discussion, the provisional agenda was adopted by vote.¹¹⁴

At its 5619th meeting, on 12 January 2007, owing to the negative votes of permanent members,¹¹⁵ the Council failed to adopt a draft resolution,¹¹⁶ by which it would have, *inter alia*, called on the Government of Myanmar to begin without delay a substantive political dialogue leading to a genuine democratic transition, to include all political stakeholders, including representatives of ethnic nationality groups and political leaders.

The representative of China, in explaining his vote against the draft resolution, maintained that the Myanmar issue was mainly the internal affair of a sovereign State, which did not constitute a threat to

¹¹² S/PV.5526, p. 3.

¹¹³ *Ibid.*, pp. 2-3.

¹¹⁴ See also chap. II, part II, sect. A, case 2.

¹¹⁵ There were 9 votes in favour to 3 against (China, Russian Federation, South Africa) and 3 abstentions (Congo, Indonesia, Qatar) (see S/PV.5619, p. 6).

¹¹⁶ S/2007/14.

international or regional peace and security. He held that if the problems with which Myanmar was faced, such as refugees, child labour, HIV/AIDS, human rights and drugs, were to be arbitrarily labelled as a prominent or potential threat to regional security, included on the agenda of the Council, and made the subject of a draft resolution, then the situations in all other 191 Member States might also need to be considered by the Council. Such an approach was, he said, obviously neither logical nor reasonable. He said that it was the consistent position of China that the internal affairs of Myanmar should be handled mainly and independently by the Government and people of Myanmar themselves through consultation and that the international community could offer all kinds of constructive advice and assistance, but should refrain from arbitrary interference.¹¹⁷

The representative of Qatar, who abstained in the voting, stated that the position of his delegation was one of total respect for the Charter and for international law in a manner that promoted the maintenance of international peace and security and the finding of the best possible solutions to the problems that faced Member States, with no interference in their internal affairs. He recalled that in the view of the neighbouring countries, the Association of Southeast Asian Nations, China, and the Non-Aligned Movement, among others, the issue of Myanmar was an internal problem mainly of a humanitarian character that did not pose any threat to international peace and security.¹¹⁸

Case 7

The situation in the Middle East

In connection with a draft resolution before the Council concerning Syrian-Lebanese relations,¹¹⁹ the representative of Lebanon, by identical letters dated 30 August 2004 to the Secretary-General and the President of the Security Council,¹²⁰ expressed the fear that the timing of the submission of the draft resolution could adversely affect the electoral process of the forthcoming presidential election in his country and that the Council could subsequently be seen as a tool of intervention in Lebanon's internal affairs. He expressed concern that it could create a grave precedent that

could lead the United Nations to abandon its fundamental role and become involved in the internal affairs of a Member State. Similarly, by identical letters dated 1 September 2004 to the Secretary-General and the President,¹²¹ the representative of the Syrian Arab Republic expressed the view that the discussion of the topic by the Security Council contradicted Article 2 (7) of the Charter and was a dangerous precedent, which deviated from the Council's main functions and made it "a tool for illegal interference" in the internal affairs of an independent and sovereign State.

At the 5028th meeting, on 2 September 2004, the draft resolution was adopted by 9 votes, with 6 abstentions (Algeria, Brazil, China, Pakistan, Philippines, Russian Federation), as resolution 1559 (2004), by which the Council, mindful of the upcoming Lebanese presidential elections, and underlining the importance of free and fair elections according to Lebanese constitutional rules devised without foreign interference or influence, *inter alia*, reaffirmed its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout the country.¹²²

The representative of Lebanon stressed that the references in the resolution to support for free and fair presidential elections in Lebanon were unprecedented as the elections were "an internal matter". He argued that the legitimacy of the United Nations, the Charter and the rules of procedure of the Council provided no justification for that resolution, which constituted interference in the internal affairs of a State Member of the Organization.¹²³ The representative of China maintained that questions concerning presidential elections fell within the purview of the internal affairs of Lebanon and should be freely decided by the Lebanese people themselves.¹²⁴ The representative of Brazil was also of the view that resolution 1559 (2004) dealt with matters that were essentially within the domestic jurisdiction of Lebanon.¹²⁵

¹¹⁷ S/PV.5619, p. 3.

¹¹⁸ *Ibid.*, p. 5.

¹¹⁹ S/2004/707.

¹²⁰ S/2004/699.

¹²¹ S/2004/706.

¹²² Resolution 1559 (2004), sixth preambular paragraph and para. 1.

¹²³ S/PV.5028, p. 3.

¹²⁴ *Ibid.*, p. 5.

¹²⁵ *Ibid.*, pp. 6-7.

The representative of Algeria stated that the Council should neither interfere in the internal affairs of States nor in the bilateral relations between States, especially when those in no way posed a threat to international peace and security. He noted that the consideration by the Council of a matter that was internal to Lebanon constituted an unfortunate precedent that should not be repeated, lest the Council be dragged seriously adrift, with consequences that would be detrimental to its credibility and to the Charter, in both its letter and spirit.¹²⁶ The representative of Pakistan, citing both Article 24 (2) and Article 2 (7) of the Charter, argued that the resolution, in its sixth preambular paragraph and operative paragraph 5, intervened in the internal affairs of Lebanon and held that such intervention was unacceptable, contrary to the Charter, and set an unfortunate precedent.¹²⁷

The representative of the Philippines opined that the adoption of resolution 1559 (2004) as part of the role given to the Council in the collective security system under the Charter could not be justified. He held that there was a fine, but nevertheless clear, boundary that demarcated the role of the Council in the maintenance of international peace and security as embodied in Article 39. His delegation's view was that resolution 1559 (2004) crossed that line and "collided head-on" with the principle of non-interference embodied in the Charter. He maintained that Article 2 (7) of the Charter was "sacrosanct", and emphasized that the action of his delegation was aimed at preserving the integrity of the Charter and its time-honoured values of sovereign equality of States and non-interference.¹²⁸

The representative of France asserted that the Council was not committing an act of interference by denouncing the risk to international peace and security represented by the current crisis. Rather, he added, if the Council refrained from taking action, it would be sanctioning the inadmissible interference by a State in the internal affairs of another sovereign State.¹²⁹

¹²⁶ *Ibid.*, p. 5.

¹²⁷ *Ibid.*, p. 6.

¹²⁸ *Ibid.*, p. 7.

¹²⁹ *Ibid.*, p. 4.

Case 8

The situation in the Middle East

By a letter dated 14 May 2007 to the Secretary-General, the Prime Minister of Lebanon recalled that the parliamentary majority had expressed its support for the Special Tribunal and asked that his request that the Tribunal be put into effect be presented to the Council as a matter of urgency.¹³⁰ In transmitting that letter, the Secretary-General concurred with the Prime Minister that regrettably all domestic options for the ratification of the Special Tribunal appeared to be exhausted, while acknowledging that the resolution of the issue among the Lebanese parties based on a national consensus would have been preferable.¹³¹

By a letter dated 15 May 2007 to the Secretary-General, the President of Lebanon, in reference to the above-mentioned letter from the Prime Minister, stressed that the approval of the Tribunal directly by the Security Council would constitute a "transgression of the constitutional mechanism that had been completely ignored". He further expressed his desire that the Security Council not be involved in the internal affairs of his country and its established constitutional mechanism and not favour one political grouping over another.¹³²

At its 5685th meeting, on 30 May 2007, by 10 votes, with 5 abstentions (China, Indonesia, Qatar, Russian Federation, South Africa), the Council adopted resolution 1757 (2007), by which, acting under Chapter VII of the Charter, it decided, *inter alia*, that the provisions of the annexed agreement on the establishment of a Special Tribunal for Lebanon should enter into force on 10 June 2007, unless the Government of Lebanon provided notification before that date that the legal requirements for entry into force had been complied with.¹³³

The representative of Indonesia pointed out that although the resolution had been based on a request from the Prime Minister of Lebanon, the Council needed to take into consideration that there was no unified voice among the leaders of Lebanon. He further argued that the resolution had changed the legal nature of article 19 of the agreement, which clearly stated that

¹³⁰ S/2007/281, annex.

¹³¹ S/2007/281.

¹³² S/2007/286, annex.

¹³³ Resolution 1757 (2007), para. 1 (a).

the agreement should enter into force on the day after the Government of Lebanon had notified the United Nations that the internal legal requirements for its entry into force had been met. He expressed concern that the resolution would bypass the constitutional procedures and national processes of Lebanon. He stressed that the Council had no legal grounds to take over an issue that was domestic in nature. Quoting Article 2 (7), he reminded the Council that, while that provision did not prejudice the application of enforcement measures under Chapter VII, the Council should not be involved in “an exercise of interpreting, let alone taking over” the constitutional requirements with which a State should comply regarding the conduct of its own authorities.¹³⁴

The representative of South Africa maintained that it was inappropriate for the Council to impose such a tribunal on Lebanon, especially under Chapter VII of the Charter. The Council had no right to bypass the procedures required by the Constitution of Lebanon for the entry into force of an agreement with the United Nations. He said that, in discarding the Constitution of Lebanon, the Council was contravening its own decision regarding the need to respect the sovereignty, territorial integrity, unity and political independence of Lebanon.¹³⁵

The representative of China expressed concern that, by invoking Chapter VII of the Charter, the resolution would override the legislative organs of Lebanon by arbitrarily deciding on the date of the entry into force of the draft statute of the Tribunal. He cautioned that such a move would create a precedent of Council interference in the domestic affairs and legislative independence of a sovereign State, thus undermining the authority of the Council.¹³⁶

The representative of the Russian Federation described the resolution as legally dubious because the treaty between the two entities, Lebanon and the United Nations, by definition could not enter into force on the basis of a decision by only one party. The imposition of the constituent documents for the Tribunal by a unilateral decision of a United Nations body — a Security Council resolution — essentially represented an encroachment upon the sovereignty of Lebanon.¹³⁷

¹³⁴ S/PV.5685, p. 3.

¹³⁵ Ibid., p. 4.

¹³⁶ Ibid.

¹³⁷ Ibid., p. 5.

The representative of the United Kingdom argued in response that the adoption of resolution 1757 (2007) was not a capricious intervention or interference in the domestic political affairs of a sovereign State. In his opinion, it was a considered response by the Council, properly taken, to a request from the Government of Lebanon for action to overcome a continued impasse in the internal procedures of Lebanon, despite long and serious efforts to find a solution within Lebanon.¹³⁸ The representative of Peru was of the view that the resolution was the only way to overcome the legislative impasse regarding the establishment of the Tribunal in Lebanon, while stressing that it was due to the particular circumstances of the case.¹³⁹

Case 9

The maintenance of international peace and security: role of the Security Council in supporting security sector reform

In a concept paper for an open debate on the item entitled “The maintenance of international peace and security: role of the Security Council in supporting security sector reform”,¹⁴⁰ the representative of Slovakia pointed out that security sector reform depended on national ownership because reform of the most sensitive sector of the State needed to be shaped and driven by local actors and supported, if necessary, by external actors.¹⁴¹

At the 5632nd meeting, on 20 February 2007, a number of speakers recognized the importance of national ownership in implementing security sector reform, which, in particular in post-conflict situations, should be supported by the international community, including the United Nations.¹⁴² The representative of the United Kingdom held that security sector reform

¹³⁸ Ibid., p. 6.

¹³⁹ Ibid.

¹⁴⁰ Transmitted by a letter dated 8 February 2007 from the representative of Slovakia to the Secretary-General (S/2007/72).

¹⁴¹ See S/2007/72.

¹⁴² S/PV.5632, p. 2 (President of the Security Council); p. 3 (Secretary-General); p. 5 (President of the General Assembly); p. 8 (Angola); pp. 9-10 (Italy); pp. 11-12 (Belgium); p. 15 (United Kingdom); p. 16 (South Africa); p. 19 (France); and p. 20 (Indonesia); S/PV.5632 (Resumption 1), p. 3 (Congo); p. 5 (Ghana); p. 6 (Slovakia); p. 15 (Netherlands); p. 17 (Australia); p. 20 (Republic of Korea); and p. 22 (Afghanistan).

was a national responsibility which should be defined and owned by national stakeholders, informed by the best international standards and practices and then supported by the international community.¹⁴³ According to the representative of Italy, the role of the United Nations in security sector reform was fundamental, given that the Organization was the actor that enjoyed the international legitimacy needed to act in a sector as sensitive as State security.¹⁴⁴ The representative of Japan said that for the eventual handover of security sector responsibilities from the international community to the local Government to be conducted smoothly, it was imperative, first and foremost, that the Council ensured that the intervention of the international community in a conflict, whenever the Council decided to authorize such intervention, was made with legitimacy.¹⁴⁵

While recognizing the important role of the United Nations in security sector reform through its peacekeeping and peacebuilding efforts, the representative of China asserted that, in any security sector reform exercise, the will of the countries concerned should be respected, as the rebuilding of national institutions was essentially a country's internal affair and would depend on the country itself. He added that the international community, for its part, should act more as an adviser and assistance provider aiming at improving capacity to build national strength and helping to find mechanisms and approaches that fitted their national conditions, instead of "going beyond given mandates or even acting arbitrarily".¹⁴⁶ Similarly, the representative of Qatar argued that recognizing the sovereign rights of States and national ownership of the security sector process was critical to guaranteeing its success and sustainability,¹⁴⁷ and the representative of Uruguay opined that, given that security sector reform affected institutions which protected State sovereignty, such reform would not be viable without agreement, ownership, cooperation and the full participation of the State carrying it out.¹⁴⁸

The representative of the Sudan stressed that any discussion of security sector reform should be undertaken within a clear frame of reference and based

in particular on the purposes and principles of the Charter, including respect for State sovereignty, territorial integrity and national unity, respect for the national choices made by countries and for their economic and social systems, and non-interference in the internal affairs of States. He reiterated that, since security sector reform was a gradual phased process focusing on sensitive sovereign institutions, the only guarantee of its viability was the participation of national institutions of the country concerned, in accordance with the principle of respect for State sovereignty and legitimacy, in other words, national ownership.¹⁴⁹

The representative of Cuba, speaking on behalf of the Non-Aligned Movement, argued that there was a lack of clarity as to how to assess the ineffectiveness [of the security sector], which had led to divergent interpretations and value judgements. That could lead to arbitrary implementation, thus undermining and infringing upon the concept of sovereignty, which was a matter of overriding concern in the Charter. He argued that security sector reform was a matter that should be decided by national Governments based on their national strategies for post-conflict peacebuilding. He maintained that it was not the prerogative of the international community to prescribe the road to follow and thus national ownership was essential. He stressed that past mistakes, such as when the Council attempted to impose reforms on the judicial and security sectors without the prior consent of the concerned State, should not be repeated.¹⁵⁰

The representative of Egypt also argued that no widespread agreement on a new concept of security sector reform existed, especially considering that security sector reform was linked to a number of controversial ideas on which there was also no consensus, such as the "responsibility to protect" and "human security". He maintained that those ideas sought to utilize humanitarian concepts to codify interference in the internal affairs of States without even reaching international agreement on the definition of those ideas, the scope of their application or their relationship to the sovereignty of each State over its territory. He further argued that, if the purpose was to help States emerging from conflict to shoulder their responsibilities, then the issue was not about reforming

¹⁴³ S/PV.5632, p. 15.

¹⁴⁴ *Ibid.*, p. 9.

¹⁴⁵ S/PV.5632 (Resumption 1), p. 10.

¹⁴⁶ S/PV.5632, p. 9.

¹⁴⁷ *Ibid.*, p. 11.

¹⁴⁸ S/PV.5632 (Resumption 1), p. 23.

¹⁴⁹ *Ibid.*, pp. 24-25.

¹⁵⁰ *Ibid.*, p. 9.

but “rehabilitating” security institutions, which fell within the purview of national capacity-building. He asserted that only after there had been a comprehensive debate in the General Assembly to reach consensus on the objectives of reforms and the scope of their application while respecting the fundamental principles of the Charter, including respect for the sovereignty, territorial integrity and unity of States and non-interference in their internal affairs, could the Council discuss its limited role in supporting the national will of States to reform their security sectors, within the limits of the prerogatives of the Council, and only in areas affecting the maintenance of international peace and security.¹⁵¹

By a statement made by the President at that meeting, the Council underlined that it was the sovereign right and the primary responsibility of the country concerned to determine the national approach and priorities of security sector reform. Security sector reform should be a nationally owned process that was rooted in the particular needs and conditions of the country in question. The Council also underlined that the United Nations had a crucial role to play in promoting comprehensive, coherent and coordinated international support to nationally-owned security sector reform programmes, implemented with the consent of the country concerned.¹⁵²

Case 10

Maintenance of international peace and security

At the 5705th meeting, on 25 June 2007, considering the issue of natural resources and conflict, some speakers noted that, in addressing the link between natural resources and conflict, it was necessary to respect the full and permanent sovereignty of countries over their natural resources.¹⁵³

The representative of Qatar emphasized that the principles of national political and economic independence depended on a State being able to exercise the undiminished right of self-determination and full sovereignty over its natural resources in the interest of development and the well-being of its people, in accordance with international law.

Accordingly, endowing the Security Council with authority over those resources contravened international law and diminished the sovereignty of States over their natural resources.¹⁵⁴

The representative of the Russian Federation said that combating the illicit use of natural resources was, first and foremost, the prerogative and obligation of the Government of the State concerned. He believed that the primary role of the United Nations in the process of tackling the problem should be to help States, at their request, by providing political and advisory support. In his opinion, the sanctions mechanisms of the Council and their groups of experts contributed in that context, when the relevant crisis situations were before the Council. He stressed that the Council should be guided by the Charter principles of non-interference in the internal affairs, sovereignty, territorial integrity and political independence of States. He emphasized the importance of maintaining a balance between the efforts of the international community to prevent escalation of conflicts through the illegal exploitation of natural resources, and the strict observance of the sovereign right of States to use their natural resources.¹⁵⁵

Similarly, the representative of Argentina opined that the Council’s authority to impose sanctions on the illegal exploitation of natural resources in countries on the Council’s agenda because of a specific conflict which threatened international peace and security was clearly among the powers conferred upon the Council by the Charter. The situation would be different, however, if the Council were to determine that preventive intervention was necessary owing to a risk that exploitation of a given country’s natural resources could in the future lead to a conflict posing a threat to international peace and security. He held that such a determination would violate the principle of non-intervention in the internal affairs of States set out in the Charter, because the intervention would be based on the potential consequences that the sovereign actions of a country could have for international peace and security.¹⁵⁶

By a statement made by the President at that meeting, the Council reaffirmed that every State had the full and inherent sovereign right to control and

¹⁵¹ *Ibid.*, pp. 13-14.

¹⁵² S/PRST/2007/3, third paragraph.

¹⁵³ S/PV.5705, p. 9 (Qatar), p. 16 (Peru); p. 17 (China); and p. 30 (Egypt); S/PV.5705 (Resumption 1), p. 3 (India).

¹⁵⁴ S/PV.5705, p. 9.

¹⁵⁵ *Ibid.*, p. 23.

¹⁵⁶ *Ibid.*, p. 32.

exploit its own natural resources in accordance with the Charter and the principles of international law. The Council also recognized that United Nations missions and peacekeeping operations deployed in resource-endowed countries experiencing armed conflict could play a role in helping the Governments concerned, with full respect of their sovereignty over their natural resources, to prevent the illegal exploitation of those resources from further fuelling the conflict.¹⁵⁷

Case 11

Protection of civilians in armed conflict

At the 4990th meeting, on 14 June 2004, several speakers affirmed that responsibilities to protect civilians rested with the States concerned.¹⁵⁸ At the same time, some of them, including the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, pointed out that, when Governments were unable or unwilling to take on that responsibility, the United Nations needed to execute its responsibilities.¹⁵⁹ In particular, the representative of Uganda stated that there should be an obligation on the part of the international community to intervene and protect people in failed States or States that were unwilling to protect their citizens from the scourge of conflict. In his opinion, the right to protect should transcend the notion of sovereignty. He commended the African Union, which had enshrined in its Charter the right to intervene in certain circumstances, notwithstanding the issue of sovereignty.¹⁶⁰ The representative of Canada, speaking also on behalf of

Australia and New Zealand, held that Member States themselves needed to take primary responsibility for ensuring the protection of their own people, as it was a responsibility implicit in the very concept of State sovereignty. While stressing that much more could and should be done by Member States, he said that when they failed to assume that responsibility the Security Council had to act.¹⁶¹

Pointing out the difficulties in ensuring access to humanitarian assistance when dealing with non-State actors, the representative of Colombia cautioned that legitimate concerns about humanitarian access should not end up threatening legitimate Governments, interfering in internal affairs or violating fundamental purposes and principles of the Charter.¹⁶² Similarly, the representative of Nepal was of the view that any humanitarian assistance provided by the international community to a particular country to address suffering, whether occasioned by natural disaster or by man-made disaster, should be provided only with the consent of the State concerned and in accordance with the Charter. He maintained that efforts to gain access to illegal armed groups should in no way infringe on the principle of State sovereignty.¹⁶³ The Under-Secretary-General, in response, concurred that the issue of engagement with non-State armed groups was a sensitive and complex one and reaffirmed that in situations of armed conflict Governments bore the primary responsibility to provide humanitarian access, protect civilians and cooperate with humanitarian agencies. He asserted that any engagement with non-State armed groups had to be aimed solely at providing protection and humanitarian assistance to civilians in areas under their control and be conducted transparently, neutrally and impartially in a manner that did not in any way legitimize the armed groups concerned.¹⁶⁴

¹⁵⁷ S/PRST/2007/22, second and seventh paragraphs.

¹⁵⁸ S/PV.4990, p. 3 (Under-Secretary-General); p. 7 (Romania); p. 23 (China); S/PV.4990 (Resumption 1), p. 16 (Canada, also on behalf of Australia and New Zealand); and p. 21 (Nepal).

¹⁵⁹ S/PV.4990, p. 3 (Under-Secretary-General); p. 7 (Romania); S/PV.4990 (Resumption 1), p. 4 (Uganda); and p. 16 (Canada, also on behalf of Australia and New Zealand).

¹⁶⁰ S/PV.4990 (Resumption 1), p. 4.

¹⁶¹ *Ibid.*, p. 16.

¹⁶² *Ibid.*, p. 12.

¹⁶³ *Ibid.*, p. 21.

¹⁶⁴ *Ibid.*, p. 24.

Part II

Consideration of the functions and powers of the Security Council (Articles 24 to 26 of the Charter)

A. Article 24

Article 24

1. *In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*
2. *In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.*
3. *The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*

Note

During the period under review, none of the decisions adopted by the Security Council contained an explicit reference to Article 24 of the Charter.¹⁶⁵ A number of resolutions and presidential statements did however contain provisions that related to this Article. The provision by which Member States confer on the Council the primary responsibility for the maintenance of international peace and security was implicitly referred to primarily in connection with thematic issues. By such decisions, the Council recalled its responsibilities under the Charter for the maintenance of international peace and security.¹⁶⁶

¹⁶⁵ Article 24 (3), relating to the annual report of the Security Council to the General Assembly, is dealt with in chap. VI, part I, sect. E.

¹⁶⁶ In connection with small arms, see S/PRST/2004/1; S/PRST/2005/7; and S/PRST/2007/24. In connection with children and armed conflict, see resolutions 1539 (2004), fifth preambular paragraph; and 1612 (2005), sixth preambular paragraph; and S/PRST/2006/48. In connection with United Nations peacekeeping operations, see S/PRST/2004/16. In connection with cooperation between the United Nations and regional

In dealing with several thematic issues, the Council indicated that it was acting in accordance with its responsibilities under the Charter or affirmed that certain matters were closely linked to its primary responsibilities. In connection with threats to international peace and security caused by terrorist acts, the Council, in a series of decisions, reiterated its determination to combat all forms of terrorism, “in accordance with its responsibilities under the Charter”.¹⁶⁷ With regard to post-conflict peacebuilding, in one decision, the Council

organizations in stabilization processes, see S/PRST/2004/27. In connection with the institutional relationship with the African Union, see S/PRST/2004/44. In connection with the maintenance of international peace and security: the role of the Security Council in humanitarian crises — challenges, lessons learned and the way ahead, see S/PRST/2005/30. In connection with threats to international peace and security, see resolutions 1624 (2005), third preambular paragraph; and 1625 (2005), annex, third preambular paragraph. In connection with cooperation between the United Nations and regional organizations in maintaining international peace and security, see resolution 1631 (2005), sixth preambular paragraph; and S/PRST/2006/39. In connection with protection of civilians in armed conflict, see resolutions 1674 (2006), tenth preambular paragraph; and 1738 (2006), first preambular paragraph. In connection with non-proliferation, see resolutions 1696 (2006), ninth preambular paragraph; 1737 (2006), ninth preambular paragraph; and 1747 (2007), ninth preambular paragraph. In connection with relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security, see S/PRST/2007/7. In connection with maintenance of international peace and security, see S/PRST/2007/22; and S/PRST/2007/31. In connection with women and peace and security, see S/PRST/2007/40. In connection with the role of regional and subregional organizations in the maintenance of international peace and security, see S/PRST/2007/42.

¹⁶⁷ See resolutions 1535 (2004), third preambular paragraph; 1611 (2005), para. 4; and 1618 (2005), para. 8; S/PRST/2004/14; S/PRST/2004/31; S/PRST/2005/36; S/PRST/2005/45; S/PRST/2005/53; S/PRST/2005/55; S/PRST/2006/18; S/PRST/2006/29; S/PRST/2006/30; S/PRST/2006/56; S/PRST/2007/10; S/PRST/2007/11; S/PRST/2007/26; S/PRST/2007/32; S/PRST/2007/36; S/PRST/2007/39; S/PRST/2007/45; and S/PRST/2007/50.

recalled its primary responsibility for the maintenance of international peace and security and considered post-conflict peacebuilding closely linked to its primary responsibilities.¹⁶⁸ In connection with threats to international peace and security, the Council, welcoming the newly-appointed Secretary-General, committed itself to work closely and in a focused and action-oriented manner with him in order to better address the multifaceted and interconnected challenges and threats confronting the world, “within its primary responsibility for the maintenance of international peace and security, as provided for in the Charter”.¹⁶⁹ In connection with the item entitled “Maintenance of international peace and security: role of the Security Council in supporting security sector reform”, in acknowledging the need for a comprehensive report of the Secretary-General on United Nations approaches to security sector reform, the Council expressed its readiness to consider such a report “within the scope of its prerogatives” under the Charter.¹⁷⁰ In connection with the item entitled “Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council”,¹⁷¹ the Council adopted resolution 1695 (2006), “acting under its special responsibility for the maintenance of international peace and security”.¹⁷²

During the period under review, explicit references to Article 24 were found in several communications.¹⁷³

¹⁶⁸ S/PRST/2005/20.

¹⁶⁹ S/PRST/2007/1.

¹⁷⁰ S/PRST/2007/3.

¹⁷¹ S/2006/481.

¹⁷² Resolution 1695 (2006), thirteenth preambular paragraph.

¹⁷³ See the following letters, addressed to the President of the Council unless otherwise indicated: letters dated 3 and 15 February 2006 from the representative of Malaysia (S/2006/85 and S/2006/111); letter dated 17 February 2006 from the representative of South Africa (S/2006/113); letters dated 29 September 2006, 8 December 2006 and 19 January 2007 from the representative of Cuba (S/2006/781, S/2006/969 and S/2007/31); letter dated 23 December 2006 from the representative of the Islamic Republic of Iran (S/2006/1024); letter dated 19 February 2004 from the representative of Finland (S/2004/135); letter dated 1 August 2006 from the representative of Malaysia to the Secretary-General (S/2006/718); letter dated 19 September 2006 from the representative of Cuba to the Secretary-General (S/2006/780); and identical letters dated 19 December 2006 from the representative of the Islamic Republic of Iran to the Secretary-General and the President of the Council (S/2006/1008).

Explicit references to Article 24 were also made on several occasions in proceedings of the Council.¹⁷⁴ At the 5246th meeting, on 4 August 2005, in connection with threats to international peace and security caused by terrorist acts, following the unanimous adoption of resolution 1618 (2005), the representative of Iraq declared that the Council had spoken with one voice on an issue that was at the core of its functions, powers and responsibilities as specified in Article 24 of the Charter, namely, peace and security. In doing so, he held, the Council was acting, as the Article stated, on behalf of all Member States.¹⁷⁵

In order to illustrate the interpretation and application of Article 24 by the Council, the following six cases were drawn from deliberations of the Council on its role and responsibilities under the Charter. The case covering a geographical situation precedes the cases covering thematic issues, the latter arranged chronologically. Case 12, concerning the situation in Myanmar, presents the discussion with respect to the

¹⁷⁴ In connection with cooperation between the United Nations and regional organizations in stabilization processes, see S/PV.5007 (Resumption 1), p. 11 (Chair of the African Union). In connection with the situation in the Middle East, see S/PV.5028, p. 6 (Pakistan). In connection with threats to international peace and security caused by terrorist acts, see S/PV.5053, p. 9 (Benin) and S/PV.5246, p. 7 (Iraq). In connection with small arms, see S/PV.5127, p. 32 (Egypt). In connection with the situation in the Middle East, including the Palestinian question, see S/PV.5230 (Resumption 1), p. 12 (Malaysia). In connection with strengthening international law: rule of law and maintenance of international peace and security, see S/PV.5474, p. 20 (Argentina); and pp. 29 and 31 (Mexico); and S/PV.5474 (Resumption 1), p. 16 (Venezuela, Bolivarian Republic of). In connection with children and armed conflict, see S/PV.5494 (Resumption 1), p. 3 (San Marino). In connection with non-proliferation, see S/PV.5612, pp. 9 and 12 (Islamic Republic of Iran). In connection with the situation in Myanmar, see S/PV.5619, p. 10 (Myanmar). In connection with relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security, see S/PV.5649 (Resumption 1), p. 4 (Uganda); and p. 17 (Rwanda). In connection with letter dated 5 April 2007 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/2007/186), see S/PV.5663 (Resumption 1), p. 27 (Cuba, on behalf of the Non-Aligned Movement).

¹⁷⁵ S/PV.5246, pp. 6-7.

Council's legitimacy in being seized of the issue. Case 13 features the debate under the item entitled "Non-proliferation of weapons of mass destruction" leading to the adoption of resolution 1540 (2004). Case 14 features the debate under the item entitled "United Nations peacekeeping operations" relating to the Council's role in dealing with matters such as procurement. Case 15, concerning the item entitled "Strengthening international law: rule of law and maintenance of international peace and security", illustrates the discussion among Member States regarding the appropriateness of the legislative role of the Security Council according to Article 24 of the Charter. Cases 16 and 17 deal with the items entitled "Letter dated 5 April 2007 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/2007/186)" and "Maintenance of international peace and security", respectively. In those cases, speakers debated the mandate of the Security Council in considering the topics of climate change and natural resources, respectively.

Case 12

The situation in Myanmar

At its 5619th meeting, on 12 January 2007, owing to the negative votes of permanent members,¹⁷⁶ the Council failed to adopt a draft resolution,¹⁷⁷ by which it would have, *inter alia*, called on the Government of Myanmar to begin without delay a substantive political dialogue leading to a genuine democratic transition, cease military attacks against civilians in ethnic minority regions and put an end to the associated human rights and humanitarian law violations.

The representative of China held that, since various United Nations agencies had already held discussions on the Myanmar issue, and given that the primary responsibility entrusted by the Charter to the Council was to maintain world peace and security, and that the matter was mainly the internal affair of a sovereign State which did not constitute a threat to international or regional peace and security, there was no need for the Council to get involved or to take

action. In the event that the Council took action on the issue of Myanmar, he believed that the Council would not only exceed its mandate, but also hinder discussions by other relevant United Nations agencies and bring no benefit to the Secretary-General's good offices efforts.¹⁷⁸ The representative of the Russian Federation pointed out that the problems in Myanmar mentioned in the draft resolution were being considered within the framework of other bodies of the United Nations system, such as the General Assembly and the Human Rights Council. In his view, duplication of their efforts by the Security Council would be counterproductive and would not facilitate the division of labour between the main bodies of the Organization, as provided for in the Charter, or the development of their constructive cooperation. He further deemed "unacceptable" any attempt to use the Security Council to discuss issues outside its purview.¹⁷⁹

The representative of South Africa insisted that the draft resolution did not fit with the mandate conferred by the Charter upon the Council. He also stated that the matter would be best left to the Human Rights Council. Should the Security Council adopt the draft resolution, it would mean that the Human Rights Council would be unable to address the matter while the Security Council remained seized with the issue.¹⁸⁰ The representative of Qatar strongly believed that the Organization should continue to help Myanmar to overcome its internal problems through such competent organs as the Third Committee of the General Assembly, the Economic and Social Council and the Human Rights Council. In his view, for the efforts of those organs to be fruitful, carried out correctly and without duplication or starting from scratch, an organ such as the Security Council should not encroach on the competences of other organs, given that it shouldered tremendous responsibilities in the area of international peace and security. He concluded that the Council's resources should be directed towards resolving problems of international peace and security, and that the Council should not create a precedent that could have negative consequences for international relations.¹⁸¹ The representative of the Congo also

¹⁷⁶ There were 9 votes in favour, 3 against (China, Russian Federation, South Africa) and 3 abstentions (Congo, Indonesia, Qatar) (see S/PV.5619, p. 6).

¹⁷⁷ S/2007/14.

¹⁷⁸ S/PV.5619, p. 3.

¹⁷⁹ *Ibid.*, p. 6.

¹⁸⁰ *Ibid.*, pp. 3-4.

¹⁸¹ *Ibid.*, pp. 5-6.

deemed that the matter fell under the purview of other United Nations bodies than the Security Council.¹⁸²

The representative of Indonesia maintained that there were other bodies in the United Nations, such as the Human Rights Council, that were “more appropriate” venues for addressing the problem of Myanmar. While recognizing that the issue of Myanmar had become not just a bilateral or regional issue but an international one, he said that it was a matter of principle to consider whether a resolution of the Council would be effective in addressing the problem, or whether the Council was the appropriate body to address the issue.¹⁸³

Expressing disappointment at the failure of the Council to adopt the draft resolution and attributing it to the disagreement among Council members regarding the competence of the Council, the representative of the United Kingdom declared that the issue was within the responsibilities of the Council. While acknowledging that the Council did not claim an exclusive interest, as other organs of the United Nations had a key role to play in tackling the problems affecting Myanmar, he urged the Council, for its part, to continue to monitor the situation in Myanmar, which was not an impediment to the issue being considered by any other entity of the United Nations.¹⁸⁴ The representative of Belgium considered that the Council was legitimately seized of the question of Myanmar.¹⁸⁵ The representative of France said that the situation in that country called for the international community’s serious concern with respect to important aspects of the Council’s responsibilities.¹⁸⁶

The representative of Panama noted that his country had assumed its seat on the Council with a view to acting on behalf of and for the Member States with respect to the maintenance of international peace and security. He opined that the topic actually being addressed far transcended the situation in Myanmar, being in fact the functions and mandate of the Security Council, specifically its capacity to act preventively. Being aware that important changes had occurred in the international situation since the Charter had been adopted, he stressed the need, in the face of new

realities, for a discussion on the functions of various bodies of the United Nations, and of the Security Council in particular. He hoped that such discussions would lead to the development of an understanding that all of those bodies should act as part of a whole and not in a segregated and individual fashion.¹⁸⁷

The representative of Myanmar, for his part, declared that under Article 24 of the Charter, Member States had conferred upon the Council the primary responsibility for maintenance of international peace and security. He pointed out that there were many issues that deserved, even demanded, the immediate attention of the Council. In his view, Myanmar was “by no stretch of the imagination” among them. He stressed that, had the draft resolution been adopted, it would have created a dangerous precedent and would have clearly exceeded the mandate given by the Charter to the Council, undermining the Council’s authority and legality.¹⁸⁸

Case 13

Non-proliferation of weapons of mass destruction

At its 4950th meeting, on 22 April 2004, the Council held an open debate in connection with a draft resolution concerning the non-proliferation of weapons of mass destruction.¹⁸⁹ Noting that the mandate conferred upon it by the Charter entitled the Council to play the leading role in the global fight against terrorism, the representative of Angola, echoed by the representative of Romania, welcomed the Council’s decision to consider the adoption of a resolution on the non-proliferation of weapons of mass destruction. In his view, the draft resolution addressed a widely felt urgency to fill the existing gap in international law relating to the non-proliferation regimes and preventing weapons of mass destruction from falling into the hands of non-State actors.¹⁹⁰

The representative of the United Kingdom held that, in the face of the urgent threat of weapons of mass destruction falling into the hands of terrorists and other non-State actors, only the Council could act with the necessary speed and authority. He stressed that it was not only “appropriate” for the Council to act, but

¹⁸² *Ibid.*, p. 8.

¹⁸³ *Ibid.*, pp. 4-5.

¹⁸⁴ *Ibid.*, p. 7.

¹⁸⁵ *Ibid.*, p. 8.

¹⁸⁶ *Ibid.*, p. 9.

¹⁸⁷ *Ibid.*, p. 9.

¹⁸⁸ *Ibid.*, p. 10.

¹⁸⁹ Not issued as a document of the Council.

¹⁹⁰ S/PV.4950, p. 9 (Angola); and pp. 13-14 (Romania).

“imperative” that it did so.¹⁹¹ Similarly, the representative of the Russian Federation expressed the belief that the Council was not only entitled but also obligated to take appropriate measures in the area of international security and stressed that the draft resolution under consideration was not an exception in that respect, citing as an example resolution 984 (1995), which provided for security assurances in the case of an attack on States, including with the use of nuclear weapons.¹⁹² The representative of Sweden recalled that his Government had consistently advocated that a strong and central role be given to the Council in addressing threats to international peace and security posed by weapons of mass destruction. He consequently considered it both timely and proper that the Council, as the body with the main responsibility for the maintenance of international peace and security, was addressing questions related to the proliferation of weapons of mass destruction in a comprehensive manner.¹⁹³ The representative of Australia maintained that, as a clear threat to international peace and security, proliferation of weapons of mass destruction fell within the Council’s mandate. Recalling the presidential statement of 31 January 1992,¹⁹⁴ by which the Council had recognized the threat posed by the proliferation of all weapons of mass destruction to international peace and security, he deemed it entirely appropriate and consistent with its mandate to maintain international peace and security that the Council dealt with the issue.¹⁹⁵

The representative of Liechtenstein affirmed that open debates constituted an important means of enabling the Council to hear the views of other Member States and thus to act truly on their behalf, as foreseen in the Charter. Such an approach, in his view, was of particular importance when the Council tackled, on an exceptional basis, issues in the area of standard-setting and lawmaking, as was the case with the issue of proliferation of weapons of mass destruction.¹⁹⁶

While welcoming the fact that the Council was addressing the dangers posed by the proliferation of weapons of mass destruction, the representative of Norway expressed the belief that the General Assembly

had an important role to play in all non-proliferation efforts.¹⁹⁷ The representative of Namibia observed that, under the existing international law regime, which recognized the sovereignty of States, the affected States should take part in the negotiation of any measure that sought to impose obligations over and above existing treaties and conventions, and hence stressed that the issue under consideration should be discussed in the General Assembly.¹⁹⁸ Expressing concern over the “increasing tendency” of the Council to assume “new and wider powers of legislation” on behalf of the international community, with its resolutions binding on all States, the representative of India drew attention to the fact that the exercise of legislative functions by the Council, combined with the recourse to Chapter VII mandates, could disrupt the balance of power between the General Assembly and the Security Council, as enshrined in the Charter.¹⁹⁹

Several speakers were of the view that, in principle, legislative obligations should be established through multinational negotiations. Given the urgency of the matter, the Council could assume a treaty-making or legislative function in exceptional circumstances, but it should do so with caution.²⁰⁰ According to the representative of Algeria, in the absence of international binding standards and because of the seriousness and urgent nature of the threat, the response to it needed to be articulated and formulated by the Council. He maintained that the Council was acting in an exceptional manner, since the Charter did not give it a mandate to legislate on behalf of the international community, but simply gave it the principal responsibility for the maintenance of international peace and security.²⁰¹

The representative of Mexico expressed concern over not only the proliferation of parallel regimes to those already established, using channels outside the norms of existing treaties, but also the growing trend whereby the Council sought to legislate, particularly with regard to issues that had their own regime of

¹⁹¹ Ibid., p. 11.

¹⁹² Ibid., p. 16.

¹⁹³ Ibid., p. 27.

¹⁹⁴ S/23500.

¹⁹⁵ S/PV.4950 (Resumption 1), p. 7.

¹⁹⁶ Ibid., pp. 11-12.

¹⁹⁷ Ibid., p. 6.

¹⁹⁸ Ibid., p. 17.

¹⁹⁹ S/PV.4950, p. 23.

²⁰⁰ Ibid., p. 5 (Algeria); p. 25 (Singapore); p. 28 (Japan, Switzerland); S/PV.4950 (Resumption 1), p. 8 (Republic of Korea); and p. 11 (Jordan).

²⁰¹ S/PV.4950, p. 5.

rights and obligations, even if they were incomplete when it came to non-State actors.²⁰²

In reference to the question whether the Council had the right to prescribe legislative action, the representative of Pakistan pointed out that existing treaties, such as the Treaty on the Non-Proliferation of Nuclear Weapons, already stipulated most of the legislation that would cover proliferation by both State and non-State actors. He argued that the Council, comprising five nuclear powers with the right to “veto”, was not the most appropriate body to be entrusted with the authority for oversight over non-proliferation or nuclear disarmament.²⁰³ Similarly, the representative of Cuba expressed concern that the Council, a body known to be of limited composition and in which some members had the right of veto, had taken the initiative to prepare a draft resolution on a subject which, in his view, should be considered in the framework of the traditional multilateral disarmament setting, where the appropriate space existed for negotiating a legally binding instrument.²⁰⁴

The representative of Indonesia said he believed that any far-reaching assumption of authority by the Council to enact global legislation was not consistent with the Charter, and therefore insisted on the necessity of involving all States in the negotiating process towards the establishment of international norms on the issue.²⁰⁵ The representative of the Islamic Republic of Iran stated that the draft resolution represented a “clear manifestation” of the Council’s departure from its Charter-based mandate, as the Charter did not confer authority on the Council to act as a global legislature imposing obligations on States without their participation in the process.²⁰⁶ Noting a growing trend towards granting the Council additional legislative powers, the representative of Egypt insisted that the Charter did not give the Council such legislative authority, but only the power to safeguard the Charter and to monitor compliance with its provisions.²⁰⁷ Holding that the Council lacked competence in making treaties, the representative of Nepal expressed concern that, by the draft resolution under consideration, the Council sought to establish something tantamount to a

treaty by fiat, an approach which was likely to undermine the intergovernmental treaty-making process and implementation mechanisms. To ensure the support of the broader membership needed for maintaining international peace and security, he argued that the Council should work within its mandate and be seen to be doing so. He said that the Council should resist the temptation of acting as a “world legislature, a world administration and a world court rolled into one”.²⁰⁸

At its 4956th meeting, on 28 April 2004, the Council adopted resolution 1540 (2004), by which, affirming its resolve to take appropriate and effective action against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the Charter, and acting under Chapter VII of the Charter, the Council decided that all States should refrain from providing any form of support to non-State actors that attempted to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.²⁰⁹

The representative of France stated that, with regard to proliferation, the Council drew its legitimacy to act from the Charter, since the proliferation of weapons of mass destruction and their means of delivery constituted a threat to international peace and security.²¹⁰ The representative of Romania held that, with the adoption of resolution 1540 (2004), the Council had lived up to its responsibilities: addressing one of the most ominous challenges to international peace and security.²¹¹

Case 14

United Nations peacekeeping operations

By letters dated 3 and 15 February 2006 to the President of the Security Council, the representative of Malaysia, on behalf of the Non-Aligned Movement, transmitted the principled position of the Movement concerning to the relationship between the Security Council and other principal organs of the United

²⁰² S/PV.4950 (Resumption 1), p. 5.

²⁰³ S/PV.4950, p. 15.

²⁰⁴ *Ibid.*, p. 30.

²⁰⁵ *Ibid.*, p. 31.

²⁰⁶ *Ibid.*, p. 32.

²⁰⁷ S/PV.4950 (Resumption 1), p. 3.

²⁰⁸ *Ibid.*, p. 14.

²⁰⁹ Resolution 1540 (2004), fourth preambular paragraph and para. 1.

²¹⁰ S/PV.4956, p. 2.

²¹¹ *Ibid.*, p. 9.

Nations, in particular the General Assembly. By those letters, the Non-Aligned Movement reiterated its concern over the continuing encroachment by the Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fell within the competence of the latter organs, and the exercise by the Council of norm-setting and establishment of definitions, which fell within the purview of the General Assembly, citing Article 24 of the Charter. The Non-Aligned Movement also stressed the accountability of the Security Council to the General Assembly, consistent with that Article.²¹²

Similarly, by a letter dated 17 February 2006 to the President, the representative of South Africa, on behalf of the Group of 77 and China, expressed concern over the continuing encroachment by the Council on the functions and powers of the General Assembly and the Economic and Social Council, stating that for the Council to discuss such matters as procurement was contrary to Article 24 of the Charter.²¹³

At the 5376th meeting, on 22 February 2006, the Chef de Cabinet of the Executive Office of the Secretary-General, in his briefing on the recent audit by the Office of Internal Oversight Services of peacekeeping procurement and the actions taken to improve the procurement system, recognized that the issue was of interest to the Council, while stressing the leading role of the General Assembly in those matters.²¹⁴

Following the briefing, several representatives held the view that issues involving the use of peacekeeping funds in procurement management belonged to the General Assembly.²¹⁵ The representative of China observed that, while the Council had primary responsibility in matters regarding the deployment, extension and conclusion of peacekeeping operations and the defining of their mandates and scale, issues involving the use of peacekeeping funds in procurement management belonged to the General Assembly and its subsidiary

organs, in keeping with the principle of division of labour among United Nations bodies, which helped all entities to play their proper roles, prevent duplication and facilitate mutual oversight.²¹⁶ Noting that the General Assembly was in fact actively seized of the subject, the representative of Sierra Leone, speaking on behalf of the Group of African States, viewed the debate as an encroachment on the authority of the General Assembly.²¹⁷

Speaking on behalf of the Group of 77 and China, the representative of South Africa noted that the Council was not the forum for discussing matters that fell within the purview of the General Assembly. Recalling that the Charter clearly set out that the General Assembly was the chief deliberative, policy-making and representative organ of the United Nations, he expressed concern over the encroachment by the Council on the functions and powers of the General Assembly and the Economic and Social Council. In his view, by discussing such matters as procurement, the Council was infringing on issues that traditionally fell outside of its competence and assuming for itself norm-setting powers that were solely within the purview of the General Assembly, which was contrary to Article 24 of the Charter. He held that the debate undermined the General Assembly, particularly the oversight functions that belonged to all Member States.²¹⁸

The representative of Malaysia, speaking on behalf of the Non-Aligned Movement, stated that not only was it inappropriate for the Council to discuss the issues of oversight and management, which were the functions of the General Assembly, but it was even more inappropriate to have such a discussion based on a report that had been mandated by the General Assembly. While mindful of the multifaceted and multidisciplinary character of the mandates of the peacekeeping operations sanctioned by the Council and bearing in mind Article 24 of the Charter, the representative strongly affirmed that the Council was not given the competence to address issues which fell within the functions and powers of the General Assembly and the Economic and Social Council and cautioned about the danger of encroachment by the Council on issues which clearly fell within the functions and powers of the General Assembly and its

²¹² S/2006/85 and S/2006/111.

²¹³ S/2006/113.

²¹⁴ S/PV.5376, p. 2.

²¹⁵ *Ibid.*, p. 8 (China); p. 10 (Argentina); p. 15 (Ghana); and p. 24 (Sierra Leone, on behalf of the Group of African States).

²¹⁶ *Ibid.*, p. 8.

²¹⁷ *Ibid.*, p. 24.

²¹⁸ *Ibid.*, pp. 21-22.

subsidiary bodies. Underlining the need for full respect for the functions and powers of the principal organs of the Organization and for maintaining the balance among them within their respective powers in accordance with the Charter, he insisted on the need for Member States, in respecting and upholding the Charter, to stop any attempt to shift issues from the agenda of the General Assembly and the Economic and Social Council to the Council.²¹⁹

Noting that the report of the Office of Internal Oversight Services had been initiated by the General Assembly, the representative of the United Republic of Tanzania considered it only fair that the organ that had mandated the report should experience a sense of dispossession when it was not the first in line to examine and pronounce itself on the report. In his view, the initiatives of the Security Council and the General Assembly should be complementary in addressing the issues raised by the report.²²⁰

On the other hand, while stressing that there could be no substitute for systematic consideration and action by the General Assembly and its subsidiary bodies which dealt with the management of, and resources for, United Nations peacekeeping, the representative of the United Kingdom pointed out that the Council was responsible for the mandates of United Nations peacekeepers and needed to understand the challenges and shortcomings of peacekeeping in the field and at Headquarters in order to deliver effective mandates. He further believed that it was incumbent not just on the General Assembly and its subsidiary bodies but also on the Council to follow the discussion, to consider any appropriate recommendations and to reflect the lessons learned in designing future mandates.²²¹ The representative of Japan declared that the issue under consideration fell clearly under the purview of the Council, as the organ responsible for the creation of the mandates of United Nations peacekeeping operations and for their overall oversight, and therefore supported the Council's taking up the issue. Noting that the issues of management, budget and procurement had generally been the prerogative of the General Assembly, as the chief deliberative and representative organ of the United Nations, he believed that the two bodies needed to work with a sense of urgency, by complementing each

other and ensuring coherence in the overall approach to the matter.²²² The representative of the United States pointed out that, given the Council's clear responsibility under the Charter for creating, supervising and terminating peacekeeping operations, the legitimacy of the open briefing could not be doubted. He added that, as a whole, the Security Council bore responsibility, along with the Secretariat, to ensure that United Nations peacekeeping operations were undertaken in the most efficient and transparent manner possible.²²³ The representative of France held that the General Assembly clearly had an important part to play in monitoring peacekeeping operations and counted on the General Assembly to complete and follow up on the reports it had requested. At the same time, he stressed that, as the body which had the responsibility for international peace and security, the Council, too, was set up to examine such questions and could not remain aloof from the material conditions surrounding its mission.²²⁴ The representative of Peru observed that the consideration of the management of peacekeeping operations was already a practice of the Council and insisted that such practice did not ignore the fact that the General Assembly was the principal organ considering the issue. Furthermore, he noted that, to ensure that peacekeeping operations were effective, the Council was "duty-bound" to review its management and any abuses, irregularities or corruption that might have occurred.²²⁵

Case 15

Strengthening international law: rule of law and maintenance of international peace and security

By a letter dated 7 June 2006 to the Secretary-General, in preparation for the open debate on strengthening international law, the representative of Denmark expressed the view that the Security Council, in the previous decade, had increasingly resorted to legal mechanisms in fulfilling its responsibilities. While recognizing the important role of the General Assembly in the progressive development of international law, she underlined that the objective of the debate was to consider the Council's particular role in promoting international law and to discuss the legal

²¹⁹ Ibid., pp. 25-26.

²²⁰ Ibid., p. 17.

²²¹ Ibid., pp. 18-19.

²²² Ibid., p. 9.

²²³ Ibid., p. 19.

²²⁴ Ibid., p. 6.

²²⁵ Ibid., p. 11.

tools applied by the Council in its endeavours to maintain international peace and security.²²⁶

At the 5474th meeting, on 22 June 2006, the President, speaking in his capacity as the representative of Denmark, declared that the Council was a political body with far-reaching powers to maintain and restore international peace and security and yet operated within a legal framework set out by the Charter. He emphasized that, more than ever before, the Council's legitimacy and credibility rested on its explicit commitment to operate within the framework and in the furtherance of international law.²²⁷

The representative of the Russian Federation held that promoting the rule of law in international relations was the cornerstone of any lasting system of collective security, in which the United Nations, the General Assembly and the Security Council played a key role. He further recalled that in the recent past the Council's legislative activities had influenced the establishment and interpretation of international legal norms. He pointed to the Council's decisions to establish ad hoc international tribunals and to impose measures to counteract terrorism and the proliferation of weapons of mass destruction. In his view, those innovations in the Council's work, as the body with the main responsibility for the maintenance of international peace and security, merited the attention of legal experts.²²⁸

While acknowledging that the Council acted on behalf of all Member States pursuant to Article 24 of the Charter, the representative of Argentina pointed out the perceptions that existed among Member States outside of the Council that the Council had decided at times to act as a "global judge and legislature".²²⁹

The representative of Mexico insisted that the Council should refrain from taking decisions of a legislative nature, which fell under the purview of the General Assembly, as provided for under Article 13 of the Charter. Given the far-reaching nature of the responsibilities entrusted to the Council by the Charter and the fact that the Council acted on behalf of all Member States, he deemed that respecting the "limits imposed by the Charter" was more important for the Council than for any other organ. He suggested that the

Council should instead encourage the General Assembly to codify and develop international law whenever it believed that the legal framework in force was not adequate to cope with threats to international peace and security. He recalled that his country had expressed serious objections about the power of the Council to establish jurisdictional bodies when the General Assembly had set for itself the task of negotiating the Rome Statute for the International Criminal Court, in order to end the establishment of ad hoc tribunals by the Council. He urged the Council to involve the General Assembly more closely in its work and underlined that a restrictive interpretation of the competency of the Council on the basis of Article 12 of the Charter was no longer appropriate. He believed that both organs had "concurrent competencies" in all matters relating to the maintenance of international peace and security. He referred to the advisory opinion of the International Court of Justice, which stipulated that Article 24 conferred primary "but not necessarily exclusive" responsibility on the Council in that regard.²³⁰ Similarly, the representative of Sierra Leone stated that, while the Council had primary responsibility for the maintenance of international peace and security, strengthening international law was not the exclusive domain of the Security Council, as the General Assembly and its organs had an important role to play in that respect.²³¹

The representative of the Bolivarian Republic of Venezuela held that the Council's action in strengthening international law should complement the "leading role" played by the General Assembly, given the strengths of the General Assembly as a deliberative, legislative, democratic and representative organ of the Organization. Bearing in mind that the Council's competencies were derived from the Charter, which had been agreed among Member States and served as a constitutional framework for the Organization, she underlined that the Council had to act in strict conformity with the Charter in carrying out its functions. She argued that Article 24 of the Charter did not necessarily provide the Council with the competency to address issues that corresponded to the functions and powers of the General Assembly or the Economic and Social Council, including the establishment of rules, legislation and definitions. Since the General Assembly had the main

²²⁶ S/2006/367.

²²⁷ S/PV.5474, p. 3.

²²⁸ *Ibid.*, p. 16.

²²⁹ *Ibid.*, p. 20.

²³⁰ *Ibid.*, p. 31.

²³¹ S/PV.5474 (Resumption 1), p. 2.

responsibility for the progressive development and codification of international law, she believed that the Council should avoid the practice of using its authority to impose legislative requirements on Member States or assuming powers that could be considered a “usurpation” of the competencies of the General Assembly.²³²

Case 16

Letter dated 5 April 2007 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

By a letter dated 5 April 2007 to the President of the Security Council, the representative of the United Kingdom transmitted a concept paper for the proposed open debate on the security implications of climate change, including through its impact on potential drivers of conflict, indicating that no international forum had yet addressed those issues from that perspective. He stressed that a Security Council discussion would therefore make a useful initial contribution, while recognizing that it was for other United Nations bodies, in particular the United Nations Framework Convention on Climate Change, to pursue aspects of climate change that were not within the mandate of the Council.²³³

At the 5663rd meeting, on 17 April 2007, the President, speaking in her capacity as the representative of the United Kingdom, referred to the responsibility of the Security Council to maintain international peace and security, which included the prevention of conflict, and noted that an unstable climate would exacerbate some of the core drivers of conflict, such as migratory pressures and competition for resources. She emphasized the importance of recognizing the existence of a “security imperative”, as well as economic, developmental and environmental ones, for tackling climate change. She further indicated that the debate did not intend to seek to pre-empt the authorities of those institutions and processes where action was being decided, including the General Assembly, the Economic and Social Council and its subsidiary bodies.²³⁴

²³² Ibid., pp. 15-16.

²³³ S/2007/186.

²³⁴ S/PV.5663, p. 2.

Several speakers concurred that the Council had the responsibility to discuss the issue.²³⁵ The representative of Germany held that while the Council usually dealt with more imminent threats to international peace and security than those caused by climate change, less obvious and more distant drivers of conflict should not be neglected. He also said that there was a clear linkage between climate change and the need for conflict prevention, one of the central tasks of the Council.²³⁶ Similarly, the representative of the Netherlands emphasized the need for the Council to look “beyond the horizon” of existing conflicts to explore the challenges and threats to security that the future might bring. Using the impact of HIV/AIDS on peace and security in Africa as an example, he opined that climate change might have far-reaching and potentially dramatic consequences for security in regions throughout the world.²³⁷ The representative of Papua New Guinea stated that the debate in the Council suggested that, in addition to forums such as the Commission on Sustainable Development, there were more avenues for discussing one of the most critical issues for the survival of Pacific island communities. In his opinion, the Council, charged with protecting human rights and the integrity and security of States, was the paramount international forum available to them. While he did not expect the Council to get involved in the details of the discussions on the Framework Convention on Climate Change, he hoped that the Council would keep the matter under continuous review so as to ensure the contribution of all countries to solving the climate change problem.²³⁸

With respect to the mandate and the role of the Security Council vis-à-vis the issue of climate change, the representative of Slovakia was of the view that, notwithstanding what the other forums, including the General Assembly, had already dealt with, the Council was well positioned to incorporate the new dimension of threat perception into its considerations and ad hoc discussions, “while remaining within its mandate”.²³⁹

²³⁵ Ibid., p. 4 (Slovakia); p. 7 (Ghana); p. 11 (France); p. 19 (Germany, on behalf of the European Union); p. 21 (Netherlands); p. 26 (Switzerland); pp. 28-29 (Papua New Guinea, on behalf of the small island developing States of the Pacific Islands Forum); and p. 29 (Japan); S/PV.5663 (Resumption 1), p. 24 (Norway).

²³⁶ S/PV.5663, p. 19.

²³⁷ Ibid., p. 21.

²³⁸ Ibid., pp. 28-29.

²³⁹ Ibid., p. 4.

The representative of France held that the Council was not the “number one forum” for dealing with the issue of climate change, pointing out the Framework Convention on Climate Change and the General Assembly had a central role to play. However, he argued that within its mandate the Council could not ignore the threats to international security caused by global warming.²⁴⁰ The representative of Switzerland expressed hope that the debate would provide an impetus in strengthening the coherence of the United Nations system in addressing the issue of climate change, in the framework of the General Assembly, the Economic and Social Council and other relevant bodies, including the Security Council.²⁴¹ Similarly, while expressing support for addressing the implications of climate change for the maintenance of peace and security in the Council, the representative of Norway indicated that the broader aspects of climate change were clearly an issue for the General Assembly.²⁴²

A number of speakers were more cautious about the involvement of the Security Council in the issue, given the existence of other forums for discussion within the United Nations system.²⁴³ The representative of Qatar held that the issue of threats emanating from climate change could not be addressed in debates limited exclusively to the Security Council. In his view, because of imbalances in its power hierarchy, the Council was “not the optimal mechanism” to address the question of climate change, which instead should be dealt with by the Commission on Sustainable Development, the Economic and Social Council and the General Assembly.²⁴⁴ The representative of China believed that discussing climate change in the Council would not help countries to find solutions to the problem. Instead, discussions on climate change should be conducted within a framework accessible to all parties. He further insisted that the current discussion be regarded as an exception, giving rise to neither outcome documents nor

follow-up actions.²⁴⁵ Although he acknowledged the urgency of the threats posed by climate change, the representative of Mexico warned that the possibility of conferring on the Council the responsibility to adopt preventive measures that were the purview of the specialized bodies would, among other things, erode the Council’s efficiency with regard to the maintenance of international peace and security.²⁴⁶ Pointing out that there were other appropriate international forums, such as the General Assembly and the Commission on Sustainable Development, in which the issue of climate change could be fully considered, the representative of the Russian Federation stressed that the Council should deal only with questions directly related to its mandate.²⁴⁷

The representative of Pakistan, speaking on behalf of the Group of 77 and China, expressed the view that, under the Charter, the Council’s primary responsibility was for the maintenance of international peace and security, while other issues such as economic and social development were assigned to the Economic and Social Council and the General Assembly. In his opinion, the “ever-increasing encroachment” by the Security Council on the roles and responsibilities of other principal organs not only represented a distortion of the principles and purposes of the Charter but also infringed on the authority of those organs and compromised the rights of the general membership of the United Nations. He added that responsibilities in the field of sustainable development, for which the issues of energy and climate change were vital, belonged to the General Assembly and the Economic and Social Council, while no role had been envisaged for the Security Council.²⁴⁸ Similarly, indicating that the subject of the debate lay within the mandate of other bodies in the United Nations, the representative of Egypt expressed concern over the “deliberate encroachment” by the Council on the mandates and primary responsibilities of other principal organs, which, in his view, reflected a “clear and deliberate neglect of the provisions of the Charter” and indifference to the “repeated demands of Member States to put an end to this dangerous and unjustified phenomenon”. He deemed that it was a “clear challenge” to the general membership of the United

²⁴⁰ *Ibid.*, p. 11.

²⁴¹ *Ibid.*, p. 26.

²⁴² S/PV.5663 (Resumption 1), p. 24.

²⁴³ S/PV.5663, pp. 9-10 (Qatar); pp. 12-13 (China); p. 14 (Indonesia); pp. 15-16 (South Africa); p. 17 (Russian Federation); and p. 24 (Pakistan, on behalf of the Group of 77 and China); S/PV.5663 (Resumption 1), pp. 4-5 (Egypt); p. 12 (Sudan, on behalf of the Group of African States); p. 27 (Cuba); and pp. 31-32 (Costa Rica).

²⁴⁴ S/PV.5663, p. 10.

²⁴⁵ *Ibid.*, p. 13.

²⁴⁶ S/PV.5663 (Resumption 1), p. 20.

²⁴⁷ S/PV.5663, p. 17.

²⁴⁸ *Ibid.*, p. 24.

Nations to leave open for every President of the Council to decide a theme for an open debate, particularly when the issue lay “totally beyond” the Council’s mandate.²⁴⁹ Speaking on behalf of the Non-Aligned Movement, the representative of Cuba cautioned against the continued and increasing encroachment by the Council on the functions and powers of the General Assembly, the Economic and Social Council and other organs. Referring to the Council’s mandate, as defined by Article 24, he held that the Council had to abide fully by all Charter provisions and maintained that the issue of climate change fell outside its competence.²⁵⁰ A number of speakers also considered that the debate on the issue of climate change did not fall within the Council’s mandate and constituted an encroachment by the Council on the mandates of other bodies.²⁵¹

Case 17

Maintenance of international peace and security

In a concept paper for an open debate on the link between natural resources and conflict, transmitted by a letter dated 6 June 2007 to the Secretary-General,²⁵² the representative of Belgium pointed out that the Security Council, having the primary responsibility for all questions related to peace and security, was already dealing with conflict situations linked to natural resources through its peacekeeping operations and sanctions. Stressing that improving the governance of natural resources in the absence of conflict was not the primary responsibility of the Council, he nonetheless asked whether the Council could encourage other existing initiatives to the extent that they had an impact on the maintenance of peace and security and whether there was a role for the Council in the early identification of situations in which issues related to natural resources could create a risk of conflict.

At the 5705th meeting, held on 25 June 2007²⁵³ in connection with the above-mentioned concept paper,²⁵⁴ the representative of Qatar opined that the

topic of natural resources did not fall within the competence and mandate of the Security Council, as set forth and defined by the Charter. Rather, the topic lay at the heart of the competence and mandates of the Economic and Social Council and the General Assembly. He argued that dealing with the topic in the Council infringed on the prerogatives of both of those bodies and undermined the democratic principles of the United Nations. He further disapproved of extending the authority of the Council to cover State resources by linking natural resources to issues of international peace and security.²⁵⁵

The representative of the Russian Federation maintained that the theme of the debate was so broad as to go beyond the competence of the Council and suggested that its further consideration should involve the relevant specialized bodies of the United Nations system, including those under the General Assembly.²⁵⁶ The representative of Brazil argued that the Council’s primary responsibility for the maintenance of international peace and security should not be invoked in general, abstract terms. He recalled that the Charter foresaw that issues relating to economic and social development, as was the case of natural resources, fell within the purview of the functions and powers of the General Assembly and the Economic and Social Council. He cautioned against an expansive interpretation of resolutions 1625 (2005), concerning the role of the Council in conflict prevention, and 1653 (2006), on the situation in the Great Lakes region. Such an approach, in his opinion, would undermine the roles and responsibilities of the other principal organs of the United Nations and risk not only distorting the application of the purposes and principles of the Organization, but also reinforcing the tendency to mistrust the intentions of the Security Council. Taking into account the global nature of the use of natural resources and its multiple dimensions, he held that any relevant international debate on the issue should take place in the General Assembly, as the forum of universal representation, and subsequently in the Economic and Social Council and their relevant subsidiary bodies. He concluded that the possible linkage between the exploitation of natural resources and conflict should be examined by the Security

²⁴⁹ S/PV.5663 (Resumption 1), pp. 4-5.

²⁵⁰ *Ibid.*, p. 27.

²⁵¹ S/PV.5663, pp. 15-16 (South Africa); S/PV.5663 (Resumption 1), p. 12 (Sudan, on behalf of the Group of African States); and pp. 31-32 (Costa Rica).

²⁵² S/2007/334.

²⁵³ See also chap. VI, part II, sect. B, case 11 (d).

²⁵⁴ S/2007/334.

²⁵⁵ S/PV.5705, p. 9.

²⁵⁶ *Ibid.*, p. 23.

Council only on a case-by-case basis and inasmuch as it might be relevant to a particular decision.²⁵⁷

The President of the General Assembly expressed the view that the various and complex aspects of the relationship between natural sources and conflict should be addressed through the collaboration of all organs, namely, the General Assembly, the Security Council and the Economic and Social Council.²⁵⁸ The representative of Italy opined that the debate provided a good opportunity for considering the theme of natural resources and conflict from the perspective of the Council, while stressing the importance of the role and experience of the General Assembly and the Economic and Social Council in that field.²⁵⁹ The representative of Egypt asserted that the link between natural resources and conflicts lay at the intersection of the prerogatives of the General Assembly and the Economic and Social Council, “on an equal footing” with the Security Council, each within the limits of its responsibilities as set forth in the Charter. Therefore, he was of the view that the matter should be addressed in all its aspects through full coordination and transparency among the three principal organs. Such an approach would ensure the complementarity of the efforts, as well as the effectiveness of international action to prevent the illegal exploitation of natural resources from inflaming conflicts and to orient the use of those resources towards sustainable development and peace.²⁶⁰

In contrast, the representative of Ghana considered it only appropriate for the Council, in discharging its responsibility for the maintenance of international peace and security, to focus on natural resources as one of the root causes of conflict.²⁶¹ The representative of the United Kingdom acknowledged that the transparent, well-regulated exploitation of natural resources was not the responsibility of the Council, but said that the Council was required to make an assessment of the role of natural resources in conflict, to discuss appropriate actions to take, and to examine the impact of missions themselves. Such action on the part of the Council, in his view, did not constitute Council encroachment.²⁶² The President,

speaking in his capacity as the representative of Belgium, made it clear that in discussing the issue, the Council was not attempting to provide any guardianship over efforts not related to its competencies and which were better placed with other national or international organs. However, he underlined that those initiatives had an impact on international peace and security, which was the primary responsibility of the Council. He added that the Council had a duty to promote awareness of the fact that security and development were linked and to encourage all actors involved in managing natural resources to bear that in mind. It was up to the Council to highlight the complementarity between those initiatives and its own actions and to encourage them so that they could contribute to peace.²⁶³

At the end of the meeting, the President read out a statement, in which the Council recalled the principles of the Charter, in particular the primary responsibility of the Council for the maintenance of international peace and security, and, in that respect, recognized the role that natural resources could play in armed conflict and post-conflict situations.²⁶⁴

B. Article 25

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Note

During the period under review, the Security Council did not adopt any decisions that explicitly invoked Article 25 of the Charter. The principle enshrined in Article 25 was however referred to in a number of resolutions and presidential statements primarily dealing with compliance with sanctions measures. In connection with the item entitled “General issues related to sanctions”, the Council emphasized the obligations placed upon all Member States to implement, in full, the mandatory measures adopted by the Security Council.²⁶⁵ In connection with

²⁵⁷ S/PV.5705 (Resumption 1), p. 2.

²⁵⁸ S/PV.5705, p. 5.

²⁵⁹ *Ibid.*, p. 19.

²⁶⁰ *Ibid.*, pp. 29-30.

²⁶¹ *Ibid.*, p. 13.

²⁶² *Ibid.*, p. 22.

²⁶³ *Ibid.*, p. 24.

²⁶⁴ S/PRST/2007/22.

²⁶⁵ Resolution 1699 (2006), sixth preambular paragraph.

the item entitled “Small arms”, by a presidential statement of 29 June 2007, the Council called upon all Member States to abide by their obligations to observe the arms embargoes established under relevant Council resolutions.²⁶⁶

There were a few instances in which Article 25 was explicitly cited in communications. In connection with the reports of the Secretary-General on the Sudan, in the report of the International Commission of Inquiry for Darfur,²⁶⁷ with regard to the Council’s referral of the case to the International Criminal Court, it was noted that the Council was the supreme body of the Organization and that all members of the United Nations were “bound by its decisions pursuant to Article 25 of the Charter”.²⁶⁸ There were also explicit references in connection with the item “Threats to international peace and security caused by terrorist acts”²⁶⁹ and in four resolutions of the Organization of the Islamic Conference in connection with the Middle East that were forwarded to the Security Council.²⁷⁰

Article 25 was explicitly invoked a number of times in the deliberations of the Council.²⁷¹ In many

instances, speakers considered the binding nature of Article 25 in comparison with resolutions adopted under Chapter VII. In connection with the item entitled “Strengthening international law: rule of law and maintenance of international peace and security”, speaking of the primary responsibility of the Council in the maintenance of international peace and security entrusted by the Charter, the representative of Mexico noted that his delegation did not customarily distinguish between decisions taken under Chapter VII of the Charter and those taken on the basis of Chapter VI as all the decisions of the Council were governed by Article 25 of the Charter and, given their substantive content, had a binding character for those to whom they were directed.²⁷² In discussing the establishment of a Special Tribunal for Lebanon,²⁷³ the representative of Qatar argued that the insistence of the sponsors to present the draft resolution²⁷⁴ under Chapter VII of the Charter, despite the fact that all Security Council resolutions were binding, in accordance with Article 25 of the Charter, went beyond the designated aim of endorsing the establishment of the Tribunal.²⁷⁵

In another case, a speaker offered an interpretation of Article 25 under “Briefings by Chairmen of subsidiary bodies of the Security Council”, in connection with the sanctions regime affecting Al-Qaida and the Taliban and related Council resolutions. The representative of Qatar argued that, while as a matter of principle Council resolutions were binding “by virtue of Article 25 of the Charter”, when the Council adopted its resolutions in accordance with Article 25, this meant that the Council performed its duties in accordance with the purposes and principles of the United Nations, as set out in Article 1 of the Charter, and specifically in accordance with the principles of justice and international law, human rights and fundamental freedoms for all.²⁷⁶

²⁶⁶ S/PRST/2007/24, eighth paragraph. For information on the binding nature of Chapter VII measures, see chap. XI, part VI.

²⁶⁷ For details about the Commission, established pursuant to resolution 1564 (2004), see chap. V, part I, sect. D.

²⁶⁸ See S/2005/60, para. 607; the report was transmitted to the Council by a letter dated 31 January 2005 from the Secretary-General to the President.

²⁶⁹ Letter dated 28 June 2006 from the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism to the President of the Security Council (S/2006/447).

²⁷⁰ See the following letters to the Secretary-General: letter dated 15 July 2004 from the representative of Turkey (S/2004/582); letter dated 25 July 2005 from the representative of Yemen (S/2005/522); letter dated 9 August 2006 from the representative of Azerbaijan (S/2006/650); and letter dated 30 May 2007 from the representative of Pakistan (S/2007/656).

²⁷¹ In connection with the situation in the Great Lakes region, see S/PV.5359, p. 13 (Botswana). In connection with strengthening international law: rule of law and maintenance of international peace and security, see S/PV.5474, p. 29 (Mexico). In connection with the situation in the Middle East, see S/PV.5685, p. 3 (Qatar). In connection with briefings by the Chairmen of subsidiary bodies of the Council, see S/PV.5779, p. 23 (Qatar). In connection with the non-proliferation of weapons of mass destruction, see S/PV.4950, p. 4 (Brazil); p. 5 (Algeria); and p. 34 (Syrian Arab Republic);

and S/PV.4950 (Resumption 1), p. 4 (Malaysia on behalf of the Non-Aligned Movement); p. 11 (Jordan); and p. 17 (Kuwait). In connection with non-proliferation, see S/PV.5500, p. 6 (China); and S/PV.5647, p. 10 (United States); and p. 16 (Islamic Republic of Iran).

²⁷² S/PV.5474, p. 29.

²⁷³ For more information on this case, see chap. VIII, sect. 33.D.

²⁷⁴ S/2007/315. The draft resolution was adopted as resolution 1757 (2007).

²⁷⁵ S/PV.5685, p. 3.

²⁷⁶ S/PV.5779, p. 23.

The cases which follow are drawn from deliberations of the Council on the interpretation of Article 25, in particular the binding nature of Security Council decisions in connection with the items entitled “Non-proliferation of weapons of mass destruction” (case 18) and “Non-proliferation” with regard to the Islamic Republic of Iran (case 19).

Case 18

Non-proliferation of weapons of mass destruction

At the 4950th meeting, on 22 April 2004, the representative of Brazil pointed out that the draft resolution under consideration,²⁷⁷ which sought to prevent the proliferation of weapons of mass destruction by non-State actors, had no need to invoke Chapter VII of the Charter, since Article 25 of the Charter provided that all decisions by the Security Council should be accepted and carried out by the States Members of the Organization.²⁷⁸ The representative of Algeria opined that, given that the Members of the United Nations would accept and implement the decisions the Council took in that area in accordance with Article 25, it seemed unnecessary for the Council to take action under Chapter VII of the Charter.²⁷⁹ The representative of Malaysia, speaking on behalf of the Non-Aligned Movement and echoed by the representative of the Syrian Arab Republic, observed that, while the Movement agreed that preventing non-State actors from acquiring weapons of mass destruction was an issue of paramount importance and was in line with efforts to address threats to international peace and security, that objective could still be achieved without resorting to Chapter VII. He maintained that the text of the draft resolution should conform to Article 25.²⁸⁰ The representative of Jordan, echoed by the representative of Kuwait, expressed the view that, since all Council resolutions were binding in accordance with Article 25, the value, validity and “binding effect” of any draft resolution to be adopted by the Council on the matter would not be

²⁷⁷ Not circulated as a document of the Council.

²⁷⁸ S/PV.4950, p. 4.

²⁷⁹ *Ibid.*, p. 5.

²⁸⁰ S/PV.4950, p. 34 (Syrian Arab Republic); S/PV.4950 (Resumption 1), p. 4 (Malaysia).

compromised if such a draft was not adopted under Chapter VII of the Charter.²⁸¹

On the other hand, the representative of Spain, echoed by the representative of the United States, stated that the draft resolution should be adopted within the framework of Chapter VII in order to “make it unequivocally legally binding for all United Nations Members” and to send a strong political message.²⁸² The representative of the United Kingdom noted that a Chapter VII legal base also underlined “the binding nature” of the requirement to establish sensible controls on weapons of mass destruction, which would give States the increased authority they needed to introduce robust domestic measures.²⁸³ The representative of New Zealand held that by placing the draft resolution under Chapter VII, the Council would send a clear signal of the importance it placed on the obligations in the draft resolution.²⁸⁴

Case 19

Non-proliferation (Islamic Republic of Iran)

At its 5500th meeting, on 31 July 2006, the Council adopted resolution 1696 (2006), by which, acting under Article 40 of Chapter VII of the Charter, it, *inter alia*, demanded that the Islamic Republic of Iran suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the International Atomic Energy Agency.²⁸⁵

The representative of the United States stressed that the pursuit of nuclear weapons by the Islamic Republic of Iran demanded a clear statement from the Council in the form of a binding resolution and that his delegation expected the Islamic Republic of Iran and other Member States to immediately act in accordance with the mandatory obligations of the resolution.²⁸⁶

The representative of China maintained that according to Article 25 of the Charter, all Member States were obliged to accept and carry out Security Council resolutions. He said that his Government urged the Islamic Republic of Iran to practise restraint, attach

²⁸¹ S/PV.4950 (Resumption 1), p. 11 (Jordan); and p. 17 (Kuwait).

²⁸² S/PV.4950, p. 7 (Spain); and p. 17 (United States).

²⁸³ *Ibid.*, p. 12.

²⁸⁴ *Ibid.*, p. 21.

²⁸⁵ Resolution 1696 (2006), ninth preambular paragraph and para. 2.

²⁸⁶ S/PV.5500, p. 3.

importance to the extensive appeals and expectations of the international community, earnestly implement the requirements of the adopted resolution and make an early response to the package of proposals, so as to create conditions to increase trust and promote dialogue and negotiations.²⁸⁷

At its 5647th meeting, on 24 March 2007, the Council adopted resolution 1747 (2007), by which it affirmed its decision that the Islamic Republic of Iran should suspend all enrichment-related and processing activities, and imposed additional measures against the Islamic Republic of Iran to those imposed by resolution 1737 (2006).²⁸⁸

The representative of the United States observed that the unanimous adoption of resolution 1747 (2007) sent a clear and unambiguous message to the Islamic Republic of Iran that the regime's continued pursuit of a nuclear-weapons capability was in violation of its obligations as a State Member of the United Nations. He hoped that the presence of the delegation of the Islamic Republic of Iran at the meeting reflected its Government's understanding of the weight that should be attached to the decisions of the Council and the binding obligations that the Islamic Republic of Iran had as a Member of the Organization under Article 25 of the Charter to accept and carry out the decisions of the Security Council.²⁸⁹

In contrast, the representative of the Islamic Republic of Iran maintained that the decision by the Security Council to try to coerce his country into suspension of its peaceful nuclear programme was a gross violation of Article 25 of the Charter and contradicted the rights of the Iranian people to development and education. The representative further stressed that, while Member States had agreed, in accordance with Article 25, to accept and carry out the decisions of the Council in accordance with the Charter, the Council could not pressure countries to submit either to its decisions taken in bad faith or to demands that negated the fundamental purposes and principles of the Charter. He further argued that the

International Court of Justice had held in its 1971 Advisory Opinion that Member States were required to comply with Council decisions only if they were "in accordance with the Charter". He held that the Charter did not authorize the Security Council to require Member States to give up their basic rights emanating from treaties, as such action would violate the principles set forth in the preamble to the Charter.²⁹⁰

C. Article 26

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

Note

During the reporting period, there was one occasion when Article 26 was explicitly referred to in the deliberations of the Security Council. At the 5127th meeting, on 17 February 2005, in connection with small arms, the representative of Costa Rica, questioning the existence of the political will of all Member States to regulate the international trade in weapons, argued that for the past five decades there was no exercise of responsibility stemming from Article 26 of the Charter, although that Article explicitly recognized the link between disarmament and development by entrusting the Council with establishing an arms control system in order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources.²⁹¹

²⁸⁷ Ibid., p. 6.

²⁸⁸ Resolution 1747 (2007), paras. 1-7.

²⁸⁹ S/PV.5647, pp. 9-10.

²⁹⁰ Ibid., p. 16.

²⁹¹ S/PV.5127 (Resumption 1), p. 14.

Part III

Consideration of the provisions of Chapter VIII of the Charter

Article 52

1. *Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.*

2. *The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.*

3. *The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.*

4. *This Article in no way impairs the application of Articles 34 and 35.*

Article 53

1. *The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.*

2. *The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.*

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Note

The period under review saw an exponential increase in the cooperation between the Security Council and regional arrangements or agencies in the maintenance of international peace and security, as provided for in Chapter VIII of the Charter.²⁹² The rise in the role of regional and subregional organizations in both the pacific settlement of disputes and enforcement action led to a substantive debate in the Council on strengthening the involvement of regional organizations in the maintenance of international peace and security. Under the item entitled “Cooperation between the United Nations and regional organizations in maintaining international peace and security”, the Council adopted its first-ever resolution solely dedicated to that issue, resolution 1631 (2005) of 17 October 2005. In that resolution, the Council urged, *inter alia*, that regional organizations, particularly those in Africa, be strengthened in the areas of conflict prevention, crisis management and post-conflict resolution. A significant number of deliberations during the period under review highlighted the importance of matching resources to mandates when the Council authorized regional organizations to take action. At one meeting, the Chairman of the African Union stated, “Give us the tools, and we will do the job”.²⁹³

The decisions and deliberations of the Council during the period under consideration also demonstrated an increasing importance and weight attached to the role of regional organizations in the common effort to find solutions to regional conflicts as well as to combat a wide range of issues in view of the interconnected threats facing the world. Three regional

²⁹² Chapter VIII of the Charter refers to “regional arrangements and agencies”. The *Repertoire* follows the practice of the Council in its use of these terms synonymously with “regional organizations”.

²⁹³ S/PV.5043, p. 17.

and subregional peacekeeping operations, in Burundi, Côte d'Ivoire and the Sudan, were transitioned into United Nations peacekeeping operations and the authority of the stabilization force in Bosnia and Herzegovina was transferred from one organization to another. New modalities for cooperation between the United Nations and regional organizations were authorized by the Council, including the United Nations-African Union Hybrid Operation in Darfur, and the United Nations multidimensional presence in the Central African Republic and Chad, supported by a European Union force.

All instances of cooperation with regional arrangements could be considered to fall within the framework of Chapter VIII of the Charter, and indeed the Council, in a number of decisions, explicitly invoked Chapter VIII²⁹⁴ of Articles 52, 53 and 54.²⁹⁵

²⁹⁴ In connection with the item entitled "United Nations peacekeeping operations" see S/PRST/2004/16. In connection with the item entitled "Institutional relationship with the African Union", see S/PRST/2004/44. In connection with the item entitled "Threats to international peace and security", see resolution 1625 (2005), annex, para. 7. In connection with the item entitled "Cooperation between the United Nations and regional organizations in maintaining international peace and security", see resolution 1631 (2005), first and seventh preambular paragraphs and para. 1, and S/PRST/2006/39. In connection with the item entitled "Post-conflict peacebuilding", see resolution 1645 (2005), para. 11. In connection with the item entitled "Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security", see S/PRST/2007/7. In connection with the item entitled "Maintenance of international peace and security", see S/PRST/2007/22 and S/PRST/2007/31. In connection with the item entitled "The role of regional and subregional organizations in the maintenance of international peace and security", see S/PRST/2007/42.

²⁹⁵ Articles 52, 53 and 55: in connection with the item entitled "Cooperation between the United Nations and regional organizations in stabilization processes", see S/PRST/2004/27; in connection with the item entitled "Civilian aspects of conflict management and peacebuilding", see S/PRST/2004/33; in connection with the item entitled "Institutional relationship with the African Union", see S/PRST/2004/44. Article 54: in connection with the item entitled "Cooperation between the United Nations and regional organizations in maintaining international peace and security", see resolution 1631 (2005), para. 9; in connection with the item entitled "Relationship between the United Nations

While such explicit references in deliberations are too numerous to be listed here, reference is made to discussions on thematic or cross-cutting issues relevant to cooperation between the United Nations and regional organizations.²⁹⁶

The practice of the Council under Chapter VIII of the Charter is described below without reference to specific Articles. Section A deals with the debates and decisions of the Council on general and thematic issues touching upon the provisions of Chapter VIII. Section B illustrates various ways in which the Council, in considering specific situations, encouraged and supported efforts by regional organizations in the peaceful settlement of disputes. Section C covers eight regional situations where the Council authorized enforcement action by regional organizations. Section D describes those instances in which the Council explicitly requested regional organizations to keep the Council informed of their activities for the maintenance of international peace and security.

A. General consideration of the provisions of Chapter VIII

During the period under review, the Council referred to the provisions of Chapter VIII of the Charter during its deliberations on thematic and cross-cutting issues and included such provisions in its decisions. Several cases are discussed below.

and regional organizations, in particular the African Union, in the maintenance of international peace and security", see S/PRST/2007/7.

²⁹⁶ In connection with the item entitled "Cooperation between the United Nations and regional organizations in stabilization processes", see S/PV.5007 and S/PV.5007 (Resumption 1); in connection with the item entitled "Cooperation between the United Nations and regional organizations in maintaining international peace and security", see S/PV.5282, S/PV.5282 (Resumption 1) and S/PV.5529; in connection with the item entitled "Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security", see S/PV.5649 and S/PV.5649 (Resumption 1); and in connection with the item entitled "The role of regional and subregional organizations in the maintenance of international peace and security", see S/PV.5776 and S/PV.5776 (Resumption 1).

Cross-border issues in West Africa

By a presidential statement dated 25 March 2004, the Council, emphasizing the importance of addressing the continuing factors of instability in West Africa within a regional framework, invited the Secretary-General and the Economic Community of West African States (ECOWAS) to take the requisite practical decisions to improve the coordination of the activities of the United Nations and ECOWAS in West Africa. The Council urged the States members of ECOWAS to fully implement their Declaration of a Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa, signed in Abuja on 31 October 1998²⁹⁷ and invited them to take all necessary steps to better combat illegal trafficking in small arms and light weapons in the region. The Council expressed its intention to pay close attention and remain in close consultation with ECOWAS and Member States on steps to stop the illicit flows of arms to conflict zones in the region. Recalling the measures it had implemented on the illegal exploitation and trade of diamonds and timber in the subregion, the Council encouraged ECOWAS and its member States to promote transparent and sustainable exploitation of those resources. The Council also encouraged ECOWAS to publicly identify parties and actors who were shown to engage in illicit trafficking in the subregion and use mercenaries and further called upon the State members of ECOWAS to work together to agree to a coherent approach to the problem of foreign combatants.²⁹⁸

By a presidential statement dated 25 February 2005, the Council welcomed the growing and constructive partnership between, inter alia, the United Nations system and ECOWAS, aimed at addressing the many complex challenges confronting the West African subregion, and encouraged the United Nations Office for West Africa further to promote an integrated and joint subregional approach with ECOWAS and the African Union, among other actors. The Council welcomed the ongoing efforts by ECOWAS to transform the moratorium on small arms and light weapons into a binding convention. The Council also welcomed the ongoing efforts of ECOWAS, in collaboration with the United Nations Office on Drugs and Crime, to improve border control mechanisms in West Africa.²⁹⁹

²⁹⁷ S/1998/1194, annex.

²⁹⁸ S/PRST/2004/7.

²⁹⁹ S/PRST/2005/9.

Peace consolidation in West Africa

By a presidential statement dated 9 August 2006, the Council, recalling the measures it had implemented on the illegal exploitation of natural resources in the region, encouraged States members of ECOWAS to promote transparent and sustainable exploitation of such resources. Considering that illicit trafficking in small arms and light weapons still posed a threat to peace and security in the region, the Council welcomed the decision of members of ECOWAS to transform the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa into a binding Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials. The Council stressed the continued need for assisting West African States and ECOWAS in curbing illicit cross-border activities, and further stressed the need for continued and enhanced cooperation between the United Nations, ECOWAS and the African Union in peace consolidation initiatives, based on an integrated approach and with the aim of maximizing the use of available resources.³⁰⁰

United Nations peacekeeping operations

At the 4970th meeting, on 17 May 2004, a number of speakers recognized the cooperation between the United Nations and regional organizations in the area of peacekeeping, highlighting complementary capacities offered by regional organizations, and called for the strengthening of such cooperation.³⁰¹ The representative of the Russian Federation considered that United Nations interaction with regional structures pursuant to Chapter VIII of the Charter was one of the basic principles and criteria for United Nations peacekeeping operations.³⁰² The representative of Canada pointed out that regional and multinational arrangements were entirely consistent with both the letter and the spirit of Articles 43 and 53 of the Charter and would have a critical role to play in the future of peace support

³⁰⁰ S/PRST/2006/38.

³⁰¹ S/PV.4970, p. 5 (Secretary-General); p. 7 (France); pp. 10-11 (Romania); p. 13 (Algeria); p. 14 (Angola); p. 20 (Spain); p. 23 (China); pp. 24-25 (Benin); and p. 26 (Germany); S/PV.4970 (Resumption 1), p. 4 (Japan); p. 5 (Ireland, on behalf of the European Union); p. 9 (Tunisia); p. 11 (Peru); p. 12 (Ukraine); pp. 17-18 (Canada); p. 19 (Guatemala); p. 22 (South Africa); p. 25 (Fiji); p. 29 (Indonesia); p. 32 (Serbia and Montenegro); and p. 35 (Republic of Korea).

³⁰² S/PV.4970, p. 15.

operations and in both supplementing and supporting the capabilities of the United Nations itself. Therefore, he encouraged the Organization to continue to develop its partnerships with them.³⁰³

The representative of the United Kingdom stressed the need for the further development of new partnerships between the United Nations and regional organizations under Chapter VIII of the Charter. He said that, with its ever-increasing peacekeeping portfolio, the United Nations could not be expected to “perform everything everywhere” and held that regional organizations had unique and complementary capacities to offer. At the same time, he maintained that such operations by regional organizations did not threaten the primacy of United Nations peacekeeping, since the United Nations still mandated them.³⁰⁴ The representative of the United States drew attention to the fact that the new peacekeeping missions in Côte d’Ivoire, Burundi and Haiti built on efforts by regional organizations to support the restoration of peace and stability, particularly saluting the work of ECOWAS in Côte d’Ivoire as providing valuable augmentation for United Nations peacekeeping forces.³⁰⁵ With regard to strengthening regional peacekeeping capacities, the representatives of Tunisia and South Africa emphasized that the principal responsibility for the maintenance of international peace and security under the Charter still remained with the Security Council.³⁰⁶

On the other hand, while recognizing the recent tendencies towards adopting regional solutions in peacekeeping, particularly in Africa, the representative of India cautioned that such operations should not become franchised or subcontracted to a degree where the Council was “perceived as using regionalization as a device to shirk the exercise of its global responsibility” for peace and security.³⁰⁷

Some speakers pointed out the need to extend financial support to regional peacekeeping operations in order to enhance their capacity.³⁰⁸ The representative of Canada raised the issue of financing of missions undertaken by regional organizations as an

underlying problem and stated that, although they might be mandated by the Council, they were paid for not through assessed contributions but through voluntary funding. He said that, given the benefits received from such operations, there should be effective “burden-sharing arrangements” for donor support.³⁰⁹

By a presidential statement read out at the meeting, the Council recognized the need to work, as appropriate, with, inter alia, regional and subregional organizations in peacekeeping operations in accordance with Chapter VIII of the Charter to ensure complementary capacities and approaches before and during the deployment and after the withdrawal of United Nations peacekeeping missions.³¹⁰

Complex crises and United Nations response

At the 4980th meeting, on 28 May 2004, the representative of Brazil, referring to Chapter VIII of the Charter, opined that the instrumentalities relating to regional arrangements should be urgently revisited given that regional organizations had an increasingly important role to play in the overall international efforts for peace and security. He argued that the primary role of regional organizations was of a preventive nature, contributing to addressing the root causes of conflict and violations of human rights before they escalated into major conflicts. He also held that when prevention failed and enforcement actions were needed the Council might empower regional arrangements to enforce action, as stated in Article 53 of the Charter, in cases where such a possibility had been foreseen in the relevant constitutive acts.³¹¹

The representative of the Russian Federation indicated that the agreed-upon international steps taken under the aegis of the United Nations had been successful because of the unique ability of the Organization to combine its leading role in the area of security and restoring peace with the division of labour within the regional and subregional organizations in accordance with Chapter VIII of the Charter. He stressed that such potential should be developed to ensure a truly legitimate collective reaction to complex emergency situations under conditions of international conflict.³¹² Other speakers also underlined the

³⁰³ S/PV.4970 (Resumption 1), pp. 17-18.

³⁰⁴ S/PV.4970, p. 9.

³⁰⁵ *Ibid.*, p. 27.

³⁰⁶ S/PV.4970 (Resumption 1), p. 9 (Tunisia); and p. 22 (South Africa).

³⁰⁷ *Ibid.*, p. 14.

³⁰⁸ S/PV.4970, p. 14 (Angola); and S/PV.4970 (Resumption 1), p. 18 (Canada); and pp. 22-23 (South Africa).

³⁰⁹ S/PV.4970 (Resumption 1), p. 18.

³¹⁰ S/PRST/2004/16.

³¹¹ S/PV.4980, pp. 9-10.

³¹² *Ibid.*, p. 21.

increasing cooperation with regional organizations in maintaining regional stability, some citing Chapter VIII of the Charter in that context.³¹³

Cooperation between the United Nations and regional organizations in stabilization processes

In a background paper for the debate on cooperation in stabilization processes, the representative of Romania stated, that while Chapter VIII of the Charter spelled out the principles guiding the role of regional arrangements whose activities needed to be undertaken in a manner consistent with the purposes and principles of the Charter, the Charter provided no precise definition of regional organizations, thus allowing for a variety of cooperative efforts.³¹⁴

At the 5007th meeting, on 20 July 2004,³¹⁵ a number of speakers said that cooperation between the United Nations and regional and subregional organizations was on the basis of complementarity and should be further enhanced, and many of them explicitly cited Chapter VIII of the Charter as a basis for such cooperation.³¹⁶ The representative of China stressed that the Council was at the core of the international collective security machinery in accordance with the Charter and that regional organizations too could contribute to the peaceful settlement of disputes. Reaffirming that the Charter served as a guide for United Nations actions and as a framework for those of regional organizations, he pointed out that Chapter VIII provided for a role by regional organizations in the settlement of disputes and defined the relationship between the United Nations and such organizations. He stressed in particular

Article 53 regarding the need for authorization by the Council for any enforcement action to be taken by regional arrangements or agencies. He further held that regional organizations should, on their own initiative but as required by the Charter, maintain closer contacts with the Council in order to provide it with timely and comprehensive updates on actions they were taking. In his opinion, this was essential to ensure that regional actions were correctly oriented.³¹⁷ Similarly, the representative of Algeria considered it imperative that regional security operations be pursued under a Council mandate, on the understanding that regular dialogue with the Council should be maintained.³¹⁸ The representative of the Philippines held that the exchange of information relating to the maintenance of international peace and security at the regional level was not only required under Article 54 of the Charter, but should also serve as the backbone of a framework for cooperation between the United Nations and regional organizations.³¹⁹

The representative of the United Kingdom stated that although Chapter VIII of the Charter might be the foundation, regional organizations were not just subcontractors for maintaining collective security, and he therefore called for a mutually reinforcing partnership between the United Nations and regional organizations, in order to avoid duplication of effort and allow work to be undertaken by the organization with comparative advantage.³²⁰

The representative of the North Atlantic Treaty Organization (NATO) affirmed that the past decade had seen a stronger reliance on regional organizations, not as a challenge to the primary role of the Organization but rather to support it, adding that NATO was proud to be one of those organizations. Although NATO did not consider itself formally a regional organization under Chapter VIII of the Charter, its transition from a purely collective-defence organization into a security manager in a broad sense had enabled it to act in the same spirit, first in Europe and then beyond.³²¹

Several speakers stressed the importance of and the need for the Council's authorization in enforcement

³¹³ Ibid., pp. 8-9 (China); p. 12 (Algeria); p. 14 (Benin); and p. 29 (Pakistan).

³¹⁴ S/2004/546.

³¹⁵ The Council invited representatives of the African Union, the European Union, the League of Arab States (LAS), the Association of Southeast Asian Nations (ASEAN), the North Atlantic Treaty Organization (NATO), the Commonwealth of Independent States (CIS), the Organization of the Islamic Conference (OIC), the Organization for Security and Cooperation in Europe (OSCE) and the Economic Community of West African States (ECOWAS) to participate in the meeting.

³¹⁶ S/PV.5007, p. 13 (China); p. 16 (Germany); p. 18 (Russian Federation); p. 19 (Chairperson of the Standing Committee of ASEAN); p. 21 (Brazil); p. 22 (Algeria); p. 27 (Pakistan); and p. 31 (Spain); S/PV.5007 (Resumption 1), p. 10 (France); and p. 15 (Romania).

³¹⁷ S/PV.5007, p. 13.

³¹⁸ Ibid., pp. 22-23.

³¹⁹ Ibid., p. 28.

³²⁰ S/PV.5007 (Resumption 1), p. 15.

³²¹ S/PV.5007, pp. 24-25.

action taken by regional arrangements.³²² As to financial support for regional arrangements, the representative of the Commonwealth of Independent States opined that it was important for the United Nations to provide at least partial material and financial support for peacekeeping operations in those regions where operations were being carried out under the Charter by forces of regional organizations. He cited an example where only one country, the Russian Federation, shouldered virtually all of the financial and material requirements for certain peacekeeping activities.³²³

By a presidential statement read out at the meeting, the Council, recalling that Articles 52 and 53 of the Charter set forth the contribution of regional organizations to the settlement of disputes, as well as the relationship between the United Nations and regional organizations, acknowledged the important role that could be played by regional organizations in the prevention, resolution and management of conflicts, including by addressing their root causes. Emphasizing the primary responsibility of the Council for the maintenance of international peace and security, the Council noted that effectively addressing the numerous conflict situations confronting the international community would require an increased level of cooperation with regional organizations, where appropriate. It was stressed that common and coordinated efforts undertaken by the United Nations and regional organizations in stabilization processes should be based on complementarity and their comparative advantages, making full use of their experience, in accordance with the Charter and the relevant statutes of the regional organizations. Furthermore, the statements made at the meeting reiterated the importance of a coherent approach to stabilization processes through improved cooperation and collaboration, including increased and timely exchange of information between the United Nations and regional organizations, in accordance with the provisions of Article 54 of the Charter.³²⁴

*Civilian aspects of conflict management
and peacebuilding*

At the 5041st meeting, held on 22 September 2004 at the ministerial level, Commissioner for Peace

³²² Ibid., p. 18 (Russian Federation); p. 21 (Brazil); and p. 27 (Pakistan).

³²³ Ibid., p. 30.

³²⁴ S/PRST/2004/27.

and Security of the African Union opined that the African Union had been taking up the challenge of deploying peace-support operations, albeit with limited experience, in the expectation that the United Nations and other partners would provide the requisite support. He said that the African Union would rely on the continued support of the United Nations within the framework of Chapter VIII of the Charter, while counting on the strong support of its partners to further build its capacity to plan, deploy and manage peace-support operations.³²⁵ Citing Chapter VIII of the Charter, the Secretary-General of the League of Arab States maintained that the operationalization of the system of relations was needed, in order that regional organizations might become one of the main organs of United Nations action in dealing with regional crises and conflicts, as well as other world challenges and developments. He said that the complexity of crisis management favoured burden-sharing between different actors, drawing on each of their particular strengths.³²⁶

The representative of Pakistan said that, if national civilian crisis management instruments and capacities were not available or inadequate, the logical recourse to fill the capacity gap should be to subregional or regional resources, where possible. The role of regional and subregional organizations and their cooperation with the United Nations under Chapter VIII of the Charter were important with regard to civilian and military capacities, both of which needed to be developed.³²⁷

The representative of Angola held that joint deployment with regional and subregional organizations, in keeping with the provisions of the Charter, had demonstrated that such partnerships were mutually advantageous. He cited the response of ECOWAS in Côte d'Ivoire and Liberia before the deployment of United Nations peacekeeping forces as cases in point.³²⁸ Other speakers also commended the role of regional organizations in crisis management and supported their further development and improvement.³²⁹

While agreeing that cooperation between the United Nations and regional and subregional organizations needed to be intensified in the

³²⁵ S/PV.5041, pp. 4-5.

³²⁶ Ibid., pp. 6-7.

³²⁷ Ibid., p. 19.

³²⁸ Ibid., p. 20.

³²⁹ Ibid., p. 9 (Chile); p. 21 (United States); pp. 22-23 (United Kingdom); and p. 28 (Algeria).

peacekeeping area, in keeping with Chapter VIII of the Charter, the representative of the Russian Federation expressed the view that as each crisis situation was unique there was no uniform peacekeeping model that could be applied to all conflicts. Therefore, in each specific case, there would be a need to choose the best set of peacekeeping instruments, whether it be a United Nations peacekeeping operation, a coalition or a regional operation. He said that such efforts needed to be organized in strict conformity with the Charter, which clearly stipulated the Council's primary responsibility for the maintenance of international peace and security and in particular its key political role at all stages of peacekeeping operations, from the definition of their mandates to the transition towards peacebuilding.³³⁰

Pointing out a marked tendency in the Organization to have recourse to the possibilities outlined in Chapter VIII of the Charter, the representative of Algeria affirmed that, in order to make that international cooperation a success, reliance on regional pillars should not be understood as any neglect by the United Nations or the Security Council of their obligations to maintain international peace and security.³³¹

By a presidential statement read out at the meeting, ministers recognized the increasing role of some regional and subregional organizations and intergovernmental organizations in crisis management. They also recalled that Articles 52 and 53 of the Charter set forth the contribution of regional organizations to conflict management, as well as the relationship between the United Nations and regional organizations. They encouraged those organizations, whenever possible, to continue to develop their crisis management capabilities, including in the civilian field, in close coordination with the United Nations and in accordance with the provisions of Article 54 of the Charter. When applicable, clear schemes for joint operations should be developed. Greater coordination and interoperability among those organizations, as well as developing and sharing common strategies, operational policies and best practices in civilian crisis management, would enhance efficiency and coherence in crisis management.³³²

³³⁰ Ibid., p. 24.

³³¹ Ibid., p. 28.

³³² S/PRST/2004/33.

Institutional relationship with the African Union

At the 5084th meeting, on 19 November 2004, the President read out a statement by which the Council recalled that cooperation with regional and subregional organizations in matters relating to the maintenance of peace and security was an important pillar of the system of collective security established by the Charter, as provided for in Chapter VIII. The Council recognized the importance of strengthening cooperation with the African Union in order to help to build its capacity to deal with collective security challenges, including through the establishment of rapid and appropriate responses to emerging crisis situations and the development of effective strategies for conflict prevention, peacekeeping and peacebuilding. Particularly welcoming the leading role of the African Union in efforts to settle crises on the African continent, the Council expressed its full support for the peace initiatives conducted by the African Union, and through subregional organizations such as ECOWAS, the Southern African Development Community, the Central African Economic and Monetary Community, the Intergovernmental Authority on Development and other regional agreements committed to the peaceful settlement of disputes in Africa. The Council also underlined the importance of being kept fully informed, consistent with Article 54 of the Charter. The Council also welcomed the strengthening of practical cooperation between the United Nations and the African Union, as demonstrated in the case of the African Union Mission in the Sudan and the African Mission in Burundi, to support and enhance the management and operational capacities of the African Union in the field of peacekeeping and peacebuilding. The Council called upon the international community to support the efforts of the African Union to strengthen its capacities for peacekeeping, conflict resolution and post-conflict reconstruction, through the provision of information, training, expertise and resources, and to support the activities of the United Nations and its agencies in that regard.³³³

The representative of Benin opined that the Council should reinforce cooperation with the African Union in order to optimize its ability to rapidly counter the new threats to peace and security through rapid responses to crisis situations, as had been the case in Darfur. Darfur had demonstrated that peacekeeping

³³³ S/PRST/2004/44.

operations were a particularly complex and burdensome undertaking for the African Union, and the necessary logistical and financial support should therefore be provided.³³⁴ The representative of the United Kingdom, supporting the need for the Council to help the African Union to develop its capacities, argued that the Council should do so because, *inter alia*, it was within the Council's responsibility regarding international peace and security to help those that were "sharing and shouldering the burden with the Council", as justified by regional cooperative arrangements set out in the Charter.³³⁵

Cooperation between the United Nations and regional organizations in maintaining international peace and security

At the 5282nd meeting, on 17 October 2005,³³⁶ the representative of China reiterated its position regarding Chapter VIII of the Charter as a guide for the relationship between the United Nations and regional arrangements, as well as the importance of communications from regional bodies to the Council in accordance with the Charter. He also stressed that the necessary financial resources and logistical and technical support needed to be provided with a view to strengthening cooperation between the United Nations and African regional and subregional organizations so that the peacekeeping and peacebuilding capacities of those organizations could be enhanced.³³⁷ The representative of the Russian Federation underlined the immutability of the principle of the primary responsibility of the Council for the maintenance of international peace and security and its exclusive prerogative to sanction the use of force by the international community.³³⁸ The representative of France opined that it was necessary to have good information and communication between the United Nations and regional organizations, welcoming the progress in that regard and encouraging further progress, as invited by Article 54 of the Charter.³³⁹

³³⁴ S/PV.5084, p. 3.

³³⁵ *Ibid.*, p. 4.

³³⁶ The Council invited representatives of the African Union, ASEAN, CIS, LAS, NATO, the Organization of American States (OAS) and OSCE to participate in the meeting.

³³⁷ S/PV.5282, pp. 11-12.

³³⁸ *Ibid.*, p. 18.

³³⁹ *Ibid.*, p. 30.

As to Chapter VIII of the Charter vis-à-vis new global realities, the representative of the League of Arab States held that there were many economic, social and human issues facing the international community, including terrorism, that required the Council to "fine-tune" Chapter VIII so as to enable regional organizations to face new challenges with regard to the maintenance of international peace and security.³⁴⁰ The representative of Algeria was of the view that dealing with matters that were continually evolving was not a question of rewriting Chapter VIII of the Charter but of the Council's exploring the resources at its disposal and basing itself on a liberal and pragmatic reading of its provisions. He went on to say that in the case of involvement of regional organizations in the settlement of crises, the Council was not being asked to delegate some of its responsibilities to regional organizations but rather to make good use of the contributions of such organizations through improved interaction, on the basis of the principles of complementarity and comparative advantage.³⁴¹

By resolution 1631 (2005) adopted at the meeting, the Council, recalling Chapter VIII of the Charter, emphasizing that the growing contribution made by regional organizations in cooperation with the United Nations could usefully complement the work of the Organization in maintaining international peace and security, and stressing that such contribution must be made in accordance with Chapter VIII of the Charter, expressed its determination to take appropriate steps for the further development of cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, consistent with Chapter VIII of the Charter. The Council also urged all States and relevant international organizations to contribute to strengthening the capacity of regional and subregional organizations, in particular of African regional and subregional organizations, in conflict prevention and crisis management, and in post-conflict stabilization, including through the provision of human, technical and financial assistance. The Council stressed the importance for the United Nations of developing the ability of regional and subregional organizations to deploy peacekeeping forces rapidly in support of United Nations peacekeeping operations or other operations mandated by the Council. The Council

³⁴⁰ *Ibid.*, p. 32.

³⁴¹ *Ibid.*, pp. 12-13.

further reiterated the need to encourage regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and to include, where appropriate, specific provisions with that aim in future mandates of peacekeeping and peacebuilding operations authorized by the Council. The Council recommended better communication between the United Nations and regional and subregional organizations through, notably, liaison officers and the holding of consultations at all appropriate levels and reiterated the obligation for regional organizations, under Article 54 of the Charter, to keep the Council fully informed of their activities for the maintenance of international peace and security. The Council also requested the Secretary-General to submit a report on the opportunities and challenges facing the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, and encouraged the Secretary-General to explore with regional organizations the possibility of agreements establishing a framework for regional organizations' cooperation with and contributions to United Nations-led peacekeeping operations, taking into due consideration the cooperation guidelines already identified between the United Nations and certain regional organizations.³⁴²

Pursuant to the above-mentioned request, the Secretary-General submitted a report on 28 July 2006 entitled "A regional-global security partnership: challenges and opportunities", with recommendations including that, with a view to clarifying the nature of the overall partnership, the Council could discuss the desirability and practicability of partner organizations identifying themselves either as regional organizations acting under Chapter VIII of the Charter or as other intergovernmental organizations acting under other provisions of the Charter.³⁴³

At its 5529th meeting, on 20 September 2006,³⁴⁴ the Council had before it the above-mentioned report

³⁴² Resolution 1631 (2005), first and seventh preambular paragraphs and paras. 1-3, 5-6 and 8-10.

³⁴³ S/2006/590, para. 99.

³⁴⁴ Representatives of the following organizations were invited to participate in the meeting: the European Union, OAS, ASEAN, LAS, OSCE, CIS, OIC, NATO, the Collective Security Treaty Organization and the Council of Europe.

and a background paper prepared by the Presidency.³⁴⁵ The President (Greece), speaking in her national capacity, said that, while Chapter VIII of the Charter, in particular Articles 52 and 53, referred to regional arrangements and set forth the functional relationship with the Council, it was silent with regard to their constitutional relationship with the Council. It was time, therefore, for greater clarity on a series of issues that would facilitate the shaping of the vision of a global-regional mechanism for peace and security agreed by both the Council and the regional organizations. She held that it was necessary to clarify the criteria by which those agencies were distinguished from other international organizations for the purpose of applying Chapter VIII of the Charter, as such clarity should restore more authority to the Council and greater reliance on constitutionally delegated executive functions to genuine regional agencies under Chapter VIII.³⁴⁶ The representative of the United Republic of Tanzania opined that an institutionalized approach and mechanism would make possible a shift from the current fragile arrangements to a more substantive and regularized cooperation. He affirmed that the challenge lay in devising practical arrangements for strengthening the relationship between the United Nations and regional and intergovernmental organizations in keeping with the provisions of Chapter VIII of the Charter. He said that, as the primary organ responsible for peace and security, the Council had the power and the prerogative to advance cooperation with such organizations to a higher level so as to make it more effective and responsive to challenges that threatened international peace and security.³⁴⁷ The Chairman of the African Union said that, if Chapter VIII of the Charter was referred to as a basis for operational cooperation between the United Nations and regional organizations, the important role that regional organizations could play in the area of conflict prevention, peacemaking, peacekeeping, peacebuilding, disarmament, non-proliferation, the protection of civilians and natural disasters should be recognized.³⁴⁸

By a presidential statement read out at the meeting, the Council stated that Member States had emphasized that the establishment of a more effective

³⁴⁵ S/2006/719.

³⁴⁶ S/PV.5529, p. 3.

³⁴⁷ *Ibid.*, p. 14.

³⁴⁸ *Ibid.*, p. 17.

partnership between the United Nations and regional and other intergovernmental organizations, consistent with Chapter VIII of the Charter, would contribute to the maintenance of international peace and security. The Council welcomed the progress made in realizing the goals of resolution 1631 (2005), as elaborated by the Secretary-General in his report,³⁴⁹ and commended the efforts of the Secretary-General in strengthening partnerships with regional, subregional and other intergovernmental organizations on peace and security, thereby contributing to the realization of the recommendations of the 2005 World Summit Outcome³⁵⁰ for a stronger relationship between such organizations and the United Nations. The Council stressed the benefits of closer cooperation with regional and subregional organizations in the maintenance of international peace and security, including the brokering of peace agreements in conflict situations. The Council also invited all regional and subregional organizations that had a capacity for peacekeeping or rapid response in crisis situations to enhance their working relations with the Secretariat and cooperate with the Secretariat to determine the conditions in which that capacity could contribute to the fulfilment of United Nations mandates and goals. The Council welcomed efforts under way to enhance cooperation between the Secretariat and regional and subregional organizations in mediation and peacemaking. The Council also encouraged regional and subregional organizations to convey their perspectives and analysis to the Council prior to its examination of regionally relevant agenda items.³⁵¹

Post-conflict peacebuilding

By a presidential statement dated 26 May 2005, the Council recognized the crucial role of regional and subregional organizations in post-conflict peacebuilding and their involvement at the earliest possible stage. Realizing that a clear regional perspective was necessary, as most conflict had interlocking political, security, humanitarian and economic dynamics across borders, the Council underlined in that respect the need for enhanced cooperation and, where appropriate, coordination between United Nations and regional and subregional organizations in peacebuilding, based on a more

integrated approach and with the aim of maximizing the use of available resources and capabilities. The Council also welcomed the ever-closer partnership between the African Union, the African subregional organizations and the United Nations in the area of peacemaking and peacekeeping and stressed the importance of extending that partnership to peacebuilding efforts.³⁵²

By resolution 1645 (2005) of 20 December 2005, the Council, recognizing the important role of regional and subregional organizations in carrying out post-conflict peacebuilding activities in their regions and stressing the need for sustained international support for their efforts and capacity-building to that end, emphasized that the Peacebuilding Commission, established by the resolution, should, where appropriate, work in close consultation with regional and subregional organizations to ensure their involvement in the peacebuilding process in accordance with Chapter VIII of the Charter.³⁵³

Security Council mission

The Security Council mission to the Sudan and Chad from 4 to 10 June 2006 reported, concerning its visit to the African Union headquarters in Addis Ababa, that both the African Union Commission and the Peace and Security Council had called for a deepening of their relationship, especially in the areas of conflict prevention and post-conflict peacebuilding. The Commission had added that cooperation under Chapter VIII of the Charter should be strengthened, in particular with regard to making available United Nations resources to regional organizations undertaking peacekeeping operations.³⁵⁴

At the 5462nd meeting, on 15 June 2006, the representative of the United Kingdom, in his briefing as head of the Security Council mission, noted the importance of the wider relations between the United Nations and the African Union and said that Chapter VIII of the Charter had included the role of regional organizations with foresight. He opined that the cooperation with the Africa Union was a positive and timely development which had many possibilities and affirmed that peacekeeping and demobilization,

³⁴⁹ S/2006/590.

³⁵⁰ General Assembly resolution 60/1.

³⁵¹ S/PRST/2006/39.

³⁵² S/PRST/2005/20.

³⁵³ Resolution 1645 (2005), eleventh preambular paragraph and para. 11.

³⁵⁴ S/2006/433, para. 61.

destabilization and reintegration and security sector reform were obvious candidates for cooperation. He stressed that the United Nations had a particular responsibility to help to develop the capacities of the African Union and its regional manifestations.³⁵⁵ The representative of United Republic of Tanzania said that the visit of the Security Council mission to Addis Ababa was the occasion for the first meeting ever of the Security Council and the African Union Peace and Security Council, which offered an opportunity for continued partnership between the two organs under Chapter VIII of the Charter.³⁵⁶

As reported in the report of the Security Council mission to Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa, from 14 to 21 June 2007,³⁵⁷ the Council and the African Union Peace and Security Council on 16 June 2007 issued a joint communiqué on improving cooperation between the two bodies, by which, inter alia, recalling the provisions of Chapter VIII of the Charter, they would bear in mind that in taking initiatives for the promotion of peace and security in Africa, in terms of Chapter VIII of the Charter the African Union was also acting on behalf of the international community. They also agreed to hold joint meetings of the two Councils at least once a year.³⁵⁸

Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

At the 5649th meeting, on 28 March 2007, some speakers recognized the limitations of the operational scope of regional organizations due to a lack of logistical and financial resources, and concurred with the proposal made by the African Union to the Council to consider the possibility of financing by the United Nations, through assessed contributions, of peacekeeping operations undertaken by the African Union or under its authority and with the consent of the United Nations.³⁵⁹ Others were cautious about supporting such an idea. The representative of the

United Kingdom said that formal funding from the peacekeeping budget for a strictly regional organization might not be possible, but other assistance should be automatic.³⁶⁰ The representative of the United States opined that it was not the role of the United Nations to provide funding for non-United Nations operations and affirmed that assessed United Nations peacekeeping contributions must be used only for Council-mandated operations under clear United Nations command and control with full accountability, ensured through the financial and administrative procedures of the Organization.³⁶¹

By a presidential statement read out at the meeting, the Council recognized the important role of regional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter. The Council recalled that cooperation between the United Nations and the regional arrangements in matters relating to the maintenance of peace and security as were appropriate for regional action was an integral part of collective security as provided for in the Charter. The Council recognized that regional organizations were well positioned to understand the root causes of many conflicts closer to home and to influence prevention or resolution, owing to their knowledge of the region. The Council welcomed the growing contribution that was being made by the African Union and the resolve of its leaders to address and solve the conflicts on the African continent and stressed, in accordance with Article 54 of the Charter, the need for the African Union to keep the Council fully informed of those efforts at all times in a comprehensive and coordinated manner. Emphasizing the primacy of the Council in the maintenance of international peace and security, the Council stressed the importance of supporting and improving in a sustained way the resource base and capacity of the African Union.³⁶²

Maintenance of international peace and security

By a presidential statement dated 25 June 2007, the Council reiterated the important role of regional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter. The Council also recognized, in armed conflict and post-conflict situations, the need for a

³⁵⁵ S/PV.5462, p. 5.

³⁵⁶ *Ibid.*, p. 9.

³⁵⁷ S/2007/421.

³⁵⁸ S/2007/386, annex.

³⁵⁹ S/PV.5649, p. 8 (Commissioner for Peace and Security of the African Union); p. 18 (Panama); p. 24 (Peru); and S/PV.5649 (Resumption 1), pp. 4-5 (Uganda); p. 6 (Namibia); p. 17 (Rwanda); and p. 19 (Algeria).

³⁶⁰ S/PV.5649, p. 22.

³⁶¹ *Ibid.*, p. 27.

³⁶² S/PRST/2007/7.

more coordinated approach by the United Nations, regional organizations and Governments concerned.³⁶³

At the 5735th meeting, on 28 August 2007, the representative of the Russian Federation held that more needed to be done to activate the provisions of Chapter VIII of the Charter, encouraging regional organizations to take proactive steps in the areas of preventive diplomacy and the peaceful resolution of disputes. That entailed, in particular, continuing the practice of the Council supporting African peacekeeping operations and providing assistance to establish African rapid-deployment forces and early-warning systems. He stressed, however, that in doing so, the prerogatives set for the Council by the Charter with regard to the establishment of peacekeeping operations whose mandate included the use of force must be respected.³⁶⁴

The representative of Benin, in emphasizing the importance of cooperation between the United Nations and regional conflict-prevention bodies, stated that such cooperation should rest on decisive implementation of the provisions of Chapter VIII of the Charter and added that resolution 1631 (2005) had spelled out those modalities. He also affirmed that although until recently the United Nations system in conducting peacekeeping operations had operated with “marginal” involvement by regional organizations, the time had come to make the necessary changes so that those organizations could fully play their role in the collective security system envisioned by the Charter, both in terms of the doctrine of peace operations and the allocation of related resources. He welcomed the support programmes for building the capacity of the African Union, the introduction of annual meetings of the Security Council and the Peace and Security Council of the African Union and the appointment of joint special representatives in crisis situations, as in Darfur.³⁶⁵

By the presidential statement read out at the meeting, the Council reiterated its recognition of the important role of regional organizations, citing Chapter VIII of the Charter. The Council underlined the need for a stronger and more structured relationship between the Security Council and the African Union Peace and Security Council contributing to the achievement of the goals of peace and stability in the

context of the arrangements provided for in Chapter VIII. The Council also recognized the important contribution of subregional bodies and underlined the need for African subregional bodies to enhance their capacities in early warning and conflict prevention in order to allow those important actors to respond more promptly to the emerging threats to security in their areas.³⁶⁶

The role of regional and subregional organizations in the maintenance of international peace and security

In the concept paper for the debate on the role of regional and subregional organizations, the representative of Indonesia said that the debate would be anchored on the premise that those organizations, consistent with the provisions of the Charter, could contribute to the maintenance of international peace and security directly, by building and developing their capacities to deal with threats in their respective regions, as well as indirectly, by contributing to the Council’s discharge of its Charter-mandated responsibilities.³⁶⁷

At the 5776th meeting, on 6 November 2007, a few speakers maintained that the active role of regional organizations should not be perceived as absolving the United Nations, in particular the Security Council, of its responsibilities for the maintenance of international peace and security mandated by the Charter.³⁶⁸

The representative of Qatar recalled that the Charter had “reserved” a principal role for regional arrangements in the maintenance of international peace and security and called for more resources in order for regional organizations to contain disputes and resolve conflicts under Chapter VIII of the Charter. In his opinion, the Charter gave priority to regional organizations in settling regional disputes.³⁶⁹

Some speakers were of the view that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) should not necessarily lead to a generally applicable model.³⁷⁰ The representative of Belgium, expressing awareness of the dangers inherent in all

³⁶³ S/PRST/2007/22.

³⁶⁴ S/PV.5735, p. 20.

³⁶⁵ S/PV.5735 (Resumption 1), p. 14.

³⁶⁶ S/PRST/2007/31.

³⁶⁷ S/2007/640.

³⁶⁸ S/PV.5776, p. 7 (South Africa); p. 19 (Ghana); p. 22 (France); and p. 28 (African Union).

³⁶⁹ Ibid., p. 6.

³⁷⁰ Ibid., p. 16 (Belgium); and S/PV.5776 (Resumption 1), p.16 (Guatemala); and p. 22 (Benin).

processes aimed at the institutionalization of relationships, considered it more important to create “pragmatic and flexible synergies” than to establish theoretical frameworks, which very often proved to be rigid and not very functional.³⁷¹

While some speakers expressed concern of the lack of mechanisms to financially support regional arrangements,³⁷² the representative of Japan opined that in principle every organization should be responsible for its own costs and held that, in examining the possibility of offering financial support to regional peacekeeping operations, the Council should consider the advisability and modality of support on a case-by-case basis, taking into account consistency with the principles governing United Nations peacekeeping operations so as to ensure transparency.³⁷³

With regard to Article 54 of the Charter, the representative of the Congo stressed that, in conformity with that Article, regional organizations should submit periodic reports to the Council on their relevant activities.³⁷⁴ The representative of Solomon Islands stated that there was a lack of observance of Article 54, which underlined the requirement that the Council be kept fully informed on all activities under regional and subregional arrangements in the maintenance of international peace.³⁷⁵

By the presidential statement read out at the meeting, the Council recognized the important role of regional and subregional organizations in the prevention, management and resolution of conflicts in accordance with Chapter VIII of the Charter, and emphasized that the growing contribution made by them in cooperation with the United Nations could usefully support the work of the Organization in maintaining international peace and security. It stressed that such contribution should be made in accordance with Chapter VIII of the Charter. The Council encouraged regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and intended to consult closely with them, whenever appropriate, on their role in future peacekeeping operations as well as political and integrated missions authorized by the

Council. The Council stressed the need to develop effective partnership between the Council and regional and subregional organizations in order to enable early response to disputes and emerging crises. The Council recognized the importance of promoting the identification and further development of modalities which enhanced the contribution of regional and subregional organizations to the work of the Council in maintaining international peace and security in accordance with Chapter VIII of the Charter. For that purpose, the Council deemed it useful to consider further strengthening its interaction and cooperation with regional and subregional organizations in accordance with Chapter VIII of the Charter.³⁷⁶

B. Encouragement by the Security Council of efforts undertaken by regional arrangements in the pacific settlement of disputes

During the period under review, the Security Council, on various occasions, expressed encouragement for efforts undertaken by regional organizations in the pacific settlement of disputes, including the African Union-led inter-Sudanese peace talks in Abuja and the Somali National Reconciliation Conference launched under the auspices of the Intergovernmental Authority on Development (IGAD). The practice of the Council in this regard is set out below, by region and in chronological order.

Africa

The situation in Côte d’Ivoire

The Council continued to support, and cooperate with, the African Union and ECOWAS with a view to re-establishing peace and stability in Côte d’Ivoire.

By resolutions 1527 (2004) of 4 February 2004 and 1528 (2004) of 27 February 2004, the Council recalled its full support for the efforts of ECOWAS to promote a peaceful settlement of the conflict, and welcomed the commitment of the African Union in supporting the process of national reconciliation in Côte d’Ivoire.³⁷⁷

³⁷¹ S/PV.5776, p. 16.

³⁷² Ibid., p. 20 (Panama); and p. 29 (African Union).

³⁷³ S/PV.5776 (Resumption 1), p. 8.

³⁷⁴ S/PV.5776, p. 10.

³⁷⁵ S/PV.5776 (Resumption 1), p. 14.

³⁷⁶ S/PRST/2007/42.

³⁷⁷ Resolutions 1527 (2004), fifth preambular paragraph; and 1528 (2004), tenth and eleventh preambular paragraphs.

By a presidential statement dated 5 August 2004, the Council welcomed the resolute commitment of the African Heads of State and Government, in particular of the Chairmen of ECOWAS and the African Union, to the summit held in Accra on 29 and 30 July 2004, thanks to which the conclusion of the Accra III Agreement of 30 July 2004 had been made possible.³⁷⁸

By resolution 1572 (2004) of 15 November 2004 and in subsequent decisions, the Council welcomed the ongoing efforts of, inter alia, the African Union and ECOWAS towards re-establishing peace and security in Côte d'Ivoire. The Council also expressed its full support for their efforts and encouraged them to continue those efforts in order to relaunch the peace process in Côte d'Ivoire.³⁷⁹

By a presidential statement dated 16 December 2004 and similarly by a series of decisions, the Council commended the efforts made by the African Union to promote dialogue and relaunch the peace and national reconciliation process in Côte d'Ivoire. It expressed its full support for the facilitation mission undertaken by the President of South Africa on behalf of the African Union.³⁸⁰

By resolution 1600 (2005) of 4 May 2005, the Council, welcoming the signing by the Ivorian parties at Pretoria on 6 April 2005 of the agreement on the peace process in Côte d'Ivoire (the Pretoria Agreement),³⁸¹ under the auspices of the President of South Africa, commended the President for the essential role he had played, on behalf of the African Union, to restore peace and stability in Côte d'Ivoire, and reaffirmed its full support for his mediation efforts.³⁸²

By resolution 1603 (2005) of 3 June 2005, the Council reiterated the appreciation and support for the mediation efforts by the President of South Africa, on behalf of the African Union, and encouraged the Secretary-General, the President and the African Union

to continue to collaborate closely in the implementation of the Pretoria Agreement.³⁸³

By a presidential statement dated 6 July 2005, the Council welcomed the efforts undertaken by the African Union mediation so that the forthcoming elections in Côte d'Ivoire were credible and were held as planned, and reiterated its full support to the African Union mediator.³⁸⁴

By a presidential statement dated 14 October 2005, the Council expressed appreciation of the efforts of the African Union and ECOWAS for the elections to promote peace and stability in Côte d'Ivoire and reiterated its full support for those efforts.³⁸⁵

By resolution 1633 (2005) of 21 October 2005 and similarly by subsequent decisions, the Council commended continued efforts of the African Union and ECOWAS to promote peace and stability in Côte d'Ivoire and reiterated its full support for them. The Council also urged the Chairmen of the African Union and ECOWAS and the African Union Mediator to consult immediately with all the Ivorian parties in order to ensure that a new Prime Minister acceptable to all the Ivorian parties signatories to the Linas-Marcoussis Agreement³⁸⁶ was appointed by 31 October 2005, and to maintain close contact with the Secretary-General throughout that process.³⁸⁷

By resolution 1721 (2006) of 1 November 2006, the Council paid tribute to the President of South Africa for the untiring efforts he had deployed in the service of peace and reconciliation in Côte d'Ivoire, as well as the numerous initiatives he had taken to move forward the peace process, in his capacity as African Union Mediator, driven by his deep commitment to finding African solutions to African problems. The Council endorsed the decision of the Peace and Security Council of the African Union that, to avoid multiple and conflicting mediation efforts, the President of the Congo, in his capacity as Chairperson of the African Union, should lead the mediation efforts, in liaison with the Chairmen of the African Union

³⁷⁸ S/PRST/2004/29.

³⁷⁹ Resolution 1572 (2004), seventh preambular paragraph; and para. 5; see also resolutions 1584 (2005), 1594 (2005), 1600 (2005), 1603 (2005), 1632 (2005), and 1708 (2006).

³⁸⁰ S/PRST/2004/48 and resolutions 1584 (2005), sixth preambular paragraph; 1594 (2005), fourth preambular paragraph; and 1600 (2005), fourth preambular paragraph.

³⁸¹ S/2005/270, annex I.

³⁸² Resolution 1600 (2005), para. 1.

³⁸³ Resolution 1603 (2005), fifth preambular paragraph and para. 3.

³⁸⁴ S/PRST/2005/28.

³⁸⁵ S/PRST/2005/49.

³⁸⁶ S/2003/99, annex I.

³⁸⁷ Resolution 1633 (2005), paras. 1 and 5; see also resolutions 1643 (2005) and 1722 (2006) and S/PRST/2005/58.

Commission and ECOWAS and, as the need might arise, in liaison with any other African leader willing to make a contribution to the search for peace in Côte d'Ivoire. The Council further underlined that the representative of the Mediator in Côte d'Ivoire would lead, in liaison with the Special Representative of the Secretary-General for Côte d'Ivoire, the day-to-day mediation. The Council also requested the African Union and ECOWAS to continue to monitor and follow up closely the implementation of the peace process, and invited them to review before 1 February 2007 the progress achieved and, should they deem it appropriate, to review the situation again between that date and 31 October 2007.³⁸⁸

By a presidential statement dated 21 December 2006, the Council invited the African Union Mediator to visit Côte d'Ivoire to relaunch the peace process as soon as possible.³⁸⁹

By a presidential statement dated 28 March 2007, the Council welcomed, under the facilitation of the Chairman of ECOWAS, the agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 (the Ouagadougou Political Agreement)³⁹⁰ and paid tribute to the Chairman for his efforts to facilitate the conclusion of the Agreement.³⁹¹

By resolutions 1765 (2007) of 16 July 2007 and 1782 (2007) of 29 October 2007, the Council paid tribute to the Chairman of ECOWAS for his continued efforts at facilitation of the inter-Ivorian direct dialogue that had enabled, in particular, the signing of the Ouagadougou Political Agreement. By resolution 1765 (2007), the Council also commended and encouraged the continued efforts of the African Union and ECOWAS to promote peace and stability in Côte d'Ivoire and reiterated its full support for them.³⁹²

The situation in Somalia

During the period under review, the Council continued to support the efforts of various organizations in promoting peace, stability and reconciliation in

Somalia, including IGAD, the African Union, the League of Arab States (LAS), the European Union and the Organization of the Islamic Conference (OIC).

By a presidential statement dated 25 February 2004, the Council commended the Presidents of Kenya and Uganda, other leaders of IGAD and international supporters of the Somali National Reconciliation Conference, launched under the auspices of IGAD, for their perseverance to help Somalis achieve national reconciliation. The Council reiterated its readiness to support IGAD in the implementation of the agreements reached at the Somali National Reconciliation Conference. The Council also welcomed the commitment and preparation by the African Union to deploy a military observer mission to Somalia and called upon the international community to support the African Union's efforts to improve the security situation in Somalia.³⁹³

By a presidential statement dated 14 July 2004 and similarly in subsequent decisions, the Council continued to commend States members of IGAD for their efforts in the search for peace in Somalia.³⁹⁴

By a presidential statement dated 26 October 2004, the Council welcomed and expressed its support for the commitment of the African Union to assist the transitional peace process in Somalia, in particular through planning for a peace support mission to Somalia, including options for disarmament, demobilization and reintegration, and encouraged the international donor community to contribute to those efforts. Furthermore, the Council welcomed the efforts of, among others, the European Union, the IGAD Partners Forum and LAS in developing a peacebuilding framework leading to the formation of a rapid assistance package.³⁹⁵

By a presidential statement dated 19 November 2004, the Council reaffirmed its support for the commitment of the African Union to assist the transitional process in Somalia, in particular the planning for a mission in Somalia, and urged, inter alia, regional and subregional organizations to provide support to the efforts of the future Somali government and institutions to ensure their ability to function inside

³⁸⁸ Resolution 1721 (2006), fifth preambular paragraph and paras. 20 and 21.

³⁸⁹ S/PRST/2006/58.

³⁹⁰ See S/2007/144, annex.

³⁹¹ S/PRST/2007/8.

³⁹² Resolutions 1765 (2007), fourth preambular paragraph; and 1782 (2007), fifth preambular paragraph.

³⁹³ S/PRST/2004/3.

³⁹⁴ S/PRST/2004/24, S/PRST/2004/38 and S/PRST/2004/43 and resolution 1558 (2004), second preambular paragraph.

³⁹⁵ S/PRST/2004/38.

Somalia, and to assist in the reconstruction of Somalia.³⁹⁶

By a presidential statement dated 7 March 2005, the Council recognized the African Union's readiness to play an important role in a future peace support mission in Somalia, which needed to be carefully considered and planned and would require the support of the Somali people. By the same statement, and similarly by a series of decisions, the Council commended the efforts of the African Union and IGAD in support of the Transitional Federal Government and reiterated its support for the efforts of the African Union in assisting the process of transition and national reconciliation in Somalia.³⁹⁷

By a presidential statement dated 14 July 2005, the Council welcomed the readiness of the African Union and IGAD to reinforce their continued support for the establishment of a functioning central government of Somalia, including the possible deployment of a peace support mission to Somalia, and encouraged the African Union Peace and Security Council to keep the Security Council informed of all developments.³⁹⁸

By a presidential statement dated 9 November 2005, the Council commended, among others, IGAD, the African Union, LAS and the European Union for their keen interest and persistent efforts in support of the peace process in Somalia and urged them to use their influence and leverage through a common approach to ensure that the transitional federal institutions resolved their differences and built trust, through an inclusive dialogue, and to move ahead on the key issues of security and national reconciliation.³⁹⁹

By a presidential statement dated 15 March 2006, the Council commended, inter alia, IGAD, the African Union, LAS, the European Union and OIC for their keen interest and persistent efforts in support of the peace, reconciliation and recovery process in Somalia and again encouraged them to continue to use their influence in support of the transitional federal institutions. The Council also welcomed the decision on Somalia of the African Union summit of 25 January 2006, including the possible deployment of an IGAD peace support mission in Somalia, to be followed by an

African Union peace support mission. Concerning the increased incidents of piracy and armed robbery against ships in waters off the coast of Somalia, the Council welcomed the communiqué of the meeting of the Council of Ministers of IGAD, held on 29 November 2005, in which the Council of Ministers decided to coordinate its strategies and action plans to face that common challenge in close collaboration with the international community.⁴⁰⁰

By a presidential statement dated 13 July 2006, the Council commended LAS for facilitating the talks which culminated in the agreement reached in Khartoum on 22 June 2006 between the Transitional Federal Government of Somalia and the Islamic Courts.⁴⁰¹ Also, the Council commended the African Union and IGAD for their continuing efforts to promote peace and stability in Somalia and the region.⁴⁰²

By resolution 1724 (2006) of 29 November 2006, the Council commended the efforts of the African Union, IGAD and LAS for their continued support for national reconciliation in Somalia.⁴⁰³

By resolution 1725 (2006) of 6 December 2006, the Council commended the crucial efforts of LAS and IGAD to promote and encourage political dialogue between the transitional federal institutions and the Union of Islamic Courts and expressed its full support for those initiatives.⁴⁰⁴

By resolution 1744 (2007) of 20 February 2007, and similarly by resolution 1766 (2007) of 23 July 2007, the Council reiterated its appreciation of the efforts of the African Union, LAS and IGAD to promote peace, stability and reconciliation in Somalia, and welcomed their continued engagement in that regard.⁴⁰⁵

By resolution 1772 (2007) of 20 August 2007, the Council reiterated its appreciation of the efforts of the international community, in particular the African Union, as well as LAS, IGAD and the European Union, to promote peace, stability and reconciliation in Somalia, and welcomed their continued engagement. The Council also recalled that cooperation between the United Nations and the regional arrangements in matters

³⁹⁶ S/PRST/2004/43.

³⁹⁷ S/PRST/2005/11; see also resolutions 1587 (2005), 1630 (2005) and 1676 (2006) and S/PRST/2005/32.

³⁹⁸ S/PRST/2005/32.

³⁹⁹ S/PRST/2005/54.

⁴⁰⁰ S/PRST/2006/11.

⁴⁰¹ See S/2006/442, annex.

⁴⁰² S/PRST/2006/31.

⁴⁰³ Resolution 1724 (2006), fifth preambular paragraph.

⁴⁰⁴ Resolution 1725 (2006), sixth preambular paragraph.

⁴⁰⁵ Resolutions 1744 (2007), fifth preambular paragraph; and 1766 (2007), sixth preambular paragraph.

relating to the maintenance of peace and security as were appropriate for regional action was an integral part of collective security as provided for in the Charter.⁴⁰⁶

The situation in Sierra Leone

By resolutions 1537 (2004) of 30 March 2004 and 1562 (2004) of 17 September 2004, the Council commended the efforts of ECOWAS towards building peace in the subregion. By resolution 1537 (2004), the Council also encouraged the Presidents of the States members of the Mano River Union to resume dialogue and to renew their commitment to building regional peace and security. By resolution 1562 (2004), the Council encouraged the Mano River Union member States to continue their dialogue aimed at building regional peace and security.⁴⁰⁷

In connection with the decision in 2003 of the President of Nigeria to facilitate the removal of former President Taylor from Liberia, which had allowed the Comprehensive Peace Agreement⁴⁰⁸ to take effect, the Council, by resolution 1688 (2006) of 16 June 2006, recognized the contribution made by ECOWAS in that regard.⁴⁰⁹

By resolutions 1734 (2006) of 22 December 2006 and 1793 (2007) of 21 December 2007, the Council encouraged the member States of the Mano River Union and other regional organizations to continue their dialogue aimed at building regional peace and stability. By resolution 1793 (2007), the Council also welcomed the role played by ECOWAS.⁴¹⁰

The situation in Burundi

The Council commended the contribution of the African Union to the peace process in Burundi and welcomed the efforts of the African Mission in Burundi (AMIB) which had been transformed into a United Nations peacekeeping operation during 2004.

By resolution 1545 (2004) of 21 May 2004, the Council paid tribute to the efforts made by the African Union, among other actors, to bring peace to Burundi

and encouraged the African Union to maintain a strong presence in Burundi to accompany the efforts of the Burundian parties, as specified in the Arusha Agreement and subsequent agreements. The Council also welcomed the efforts of AMIB and the contingents from South Africa, Ethiopia and Mozambique which made it up as well as Member States which had assisted AMIB in its deployment. Acting under Chapter VII of the Charter, the Council authorized the deployment of a peacekeeping operation, the United Nations Operation in Burundi (ONUB), which should initially be composed of existing forces of AMIB, and requested the Secretary-General, acting in liaison with the African Union, to ensure the transfer of authority over AMIB, within the framework of ONUB, to his Special Representative.⁴¹¹

In his report dated 25 August 2004, the Secretary-General reported that on 1 June 2004, troops of AMIB had been "re-hatted" as ONUB troops.⁴¹²

Subsequent to the election of the President of Burundi on 19 August 2005, the Council, by a presidential statement dated 30 August 2005, commended, inter alia, the critical contribution of the African Union to the peace process in Burundi.⁴¹³

By resolution 1650 (2005) of 21 December 2005, congratulating the people of Burundi for the successful conclusion of the transitional period and the peaceful transfer of authority to representative and democratically elected government and institutions, the Council expressed its gratitude to, inter alia, the African Union for its significant contribution to the success of the political transition.⁴¹⁴

By resolution 1719 (2006) of 25 October 2006, the Council reiterated its gratitude to, among others, AMIB for its important contribution to the successful completion of the transition process in Burundi and to peace in the region.⁴¹⁵

By a presidential statement dated 30 May 2007, the Council, commending the efforts undertaken by, inter alia, the African Union Special Task Force in support of the Comprehensive Ceasefire Agreement

⁴⁰⁶ Resolution 1772 (2007), fifth and ninth preambular paragraphs.

⁴⁰⁷ Resolutions 1537 (2004), third preambular paragraph; and 1562 (2004), third preambular paragraph.

⁴⁰⁸ S/2003/850.

⁴⁰⁹ Resolution 1688 (2006), sixth preambular paragraph.

⁴¹⁰ Resolutions 1734 (2006), eleventh preambular paragraph; and 1793 (2007), tenth preambular paragraph.

⁴¹¹ Resolution 1545 (2004), fifteenth and sixteenth preambular paragraphs and paras. 2 and 3.

⁴¹² S/2004/682, para. 37.

⁴¹³ S/PRST/2005/41.

⁴¹⁴ Resolution 1650 (2005), third and fourth preambular paragraphs.

⁴¹⁵ Resolution 1719 (2006), eleventh preambular paragraph.

signed at Dar es Salaam on 7 September 2006 between the Government of Burundi and the Parti pour la libération du peuple hutu — Forces nationales de libération (Palipehutu-FNL) and invited, among others, the African Union to continue to support the efforts by the parties.⁴¹⁶

At the 5786th meeting, on 28 November 2007, the representative of South Africa encouraged the Facilitator for the Burundi peace process to continue his work, as determined by the regional initiative and the African Union, stating that it was important that the process continued to receive the full support of the Council “in line with Chapter VIII of the Charter”.⁴¹⁷

By resolution 1791 (2007) of 19 December 2007, paying tribute to the facilitation efforts of South Africa, in conjunction with the countries of the regional peace initiative and the African Union, to promote the full implementation of the Comprehensive Ceasefire Agreement, the Council encouraged the South African facilitation, the other States of the regional peace initiative on Burundi, the African Union and other international partners to reinforce efforts in support of the early conclusion of the peace process between the Government of Burundi and Palipehutu-FNL.⁴¹⁸

The situation concerning the Democratic Republic of Congo

During the period under review, the Council welcomed and supported the ongoing efforts of the African Union to restore peace and security in the Democratic Republic of the Congo. The Council also recognized the contribution by the European Union in the areas of security sector and police reform.

Following the seizure of the town of Bukavu by dissident forces on 2 June 2004, the Council, by a presidential statement dated 7 June 2004, welcomed the initiative of the Chairperson of the Commission of the African Union aimed at overcoming the crisis, including in its human dimension, and at facilitating the successful conclusion of the peace process in the Democratic Republic of the Congo.⁴¹⁹

By resolution 1592 (2005) of 30 March 2005, the Council welcomed the African Union’s support for efforts to further peace in the eastern part of the Democratic Republic of the Congo and called upon the African Union to work closely with the United Nations Organization Mission in the Democratic Republic of the Congo in defining its role in the region.⁴²⁰

By resolution 1596 (2005) of 18 April 2005, the Council commended the efforts made by, among others, the African Union to restore peace and security in the Democratic Republic of the Congo.⁴²¹

By resolution 1671 (2006) of 25 April 2006, the Council commended the donor community, in particular the European Union, for the assistance that it was providing to the electoral process and in the interest of a successful outcome to the transition in the Democratic Republic of the Congo and encouraged it to continue its support. The Council also welcomed the additional assistance that the European Union was providing in the context of the forthcoming elections by temporarily reinforcing the European Union police mission in Kinshasa to support the coordination of units of the police forces of the Democratic Republic of the Congo.⁴²²

By resolution 1693 (2006) of 30 June 2006, the Council recalled the importance of security sector reform for the long-term stabilization of the Democratic Republic of the Congo, and the contribution brought by, among others, the European Union Mission of Assistance for Security Sector Reform in that regard.⁴²³ By resolution 1742 (2007) of 15 February 2007, the Council urged the Government of the Democratic Republic of the Congo and its partners, in particular the European Union, to agree promptly on ways to coordinate their efforts and to carry out security sector reform by building on the results already achieved.⁴²⁴

⁴¹⁶ S/PRST/2007/16.

⁴¹⁷ S/PV.5786, p. 9.

⁴¹⁸ Resolution 1791 (2007), seventh preambular paragraph and para. 4.

⁴¹⁹ S/PRST/2004/19.

⁴²⁰ Resolution 1592 (2005), fourth preambular paragraph.

⁴²¹ Resolution 1596 (2005), seventh preambular paragraph.

⁴²² Resolution 1671 (2006), sixth and seventh preambular paragraphs.

⁴²³ Resolution 1693 (2006), sixth preambular paragraph.

⁴²⁴ Resolution 1742 (2007), para. 9.

*Items relating to the Sudan*⁴²⁵

In the case of the Sudan, concerning the North-South peace process, the Council supported the work of IGAD in facilitating the peace talks, which resulted in the signing of the Comprehensive Peace Agreement on 9 January 2005. With regard to the Darfur peace process, the Council continuously supported the efforts of the African Union to find a solution to the crisis, including the successful African Union-led inter-Sudanese peace talks on the conflict in Darfur in Abuja, which led to the agreed framework between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement).

With regard to the North-South peace process, by resolutions 1547 (2004) of 11 June 2004 and 1574 (2004) of 19 November 2004, the Council commended the work and continued support of IGAD in facilitating the peace talks, and expressed hope that IGAD would continue to play a vital role during the transitional period.⁴²⁶ By resolution 1590 (2005) of 24 March 2005, the Council, in welcoming the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army in Nairobi on 9 January 2005, commended the efforts of IGAD. The Council requested the Secretary-General, through his Special Representative, to facilitate coordination with other international actors, in particular, the African Union and IGAD, of activities in support of the transitional process established by the Comprehensive Peace Agreement.⁴²⁷

With regard to the Darfur peace process, the Council, by a presidential statement dated 25 May 2004, stressing that a ceasefire commission with international representation was a central component of the ceasefire agreement signed on 8 April 2004 in N'Djamena, and expressed its full and active support for the efforts of the African Union to establish the ceasefire commission and protection units. The Council also called upon Member States to provide generous support for the efforts of the African Union.⁴²⁸ By resolution 1547 (2004), the

Council urged the parties to the N'Djamena ceasefire agreement of 8 April 2004 to conclude a political agreement without delay and welcomed the efforts of the African Union towards that end.⁴²⁹

By resolution 1556 (2004) of 30 July 2004 and similarly by resolution 1564 (2004) of 18 September 2004, the Council welcomed the leadership role and the engagement of the African Union regarding the situation in Darfur and expressed its readiness to support fully those efforts.⁴³⁰

By resolution 1574 (2004) of 19 November 2004, the Council stressed the importance of further progress towards resolving the crisis in Darfur and welcomed the vital and wide-ranging role being played by the African Union towards that end.⁴³¹

By resolution 1591 (2005) of 29 March 2005, the Council welcomed the continued commitment of the African Union to play a key role in facilitating a resolution to the conflict in Darfur in all respects.⁴³²

By resolution 1651 (2005) of 21 December 2005 and similarly by its subsequent decisions, the Council stressed its firm commitment to the cause of peace throughout the Sudan, including through the African Union-led inter-Sudanese peace talks in Abuja and commended the efforts of and reiterated its full support for the African Union, among other players, to promote peace and stability in Darfur.⁴³³ By a presidential statement dated 11 April 2006, reiterating its full support for the Abuja talks, the Council noted that the African Union should maintain leadership of that process and endorsed the decision of the African Union Peace and Security Council that 30 April 2006 was the final deadline for reaching an agreement.⁴³⁴

By a presidential statement dated 9 May 2006, the Council strongly welcomed the agreement reached at the inter-Sudanese peace talks in Abuja on 5 May 2006 as a basis for lasting peace in Darfur and expressed its

⁴²⁵ Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2004/425); and Reports of the Secretary-General on the Sudan.

⁴²⁶ Resolutions 1547 (2004), second preambular paragraph; and 1574 (2004), sixth preambular paragraph.

⁴²⁷ Resolution 1590 (2005), third and fifteenth preambular paragraphs and para. 3.

⁴²⁸ S/PRST/2004/18.

⁴²⁹ Resolution 1547 (2004), para. 6.

⁴³⁰ Resolutions 1556 (2004), second preambular paragraph; and 1564 (2004), third preambular paragraph.

⁴³¹ Resolution 1574 (2004), twelfth preambular paragraph.

⁴³² Resolution 1591 (2005), thirteenth preambular paragraph.

⁴³³ Resolution 1651 (2005), second preambular paragraph; see also resolutions 1665 (2006), 1672 (2006) and 1713 (2006) and S/PRST/2005/67, S/PRST/2006/16 and S/PRST/2006/17.

⁴³⁴ S/PRST/2006/16.

appreciation of the efforts of the Special Envoy of the African Union and the Chief Mediator, among others.⁴³⁵

By resolution 1679 (2006) of 16 May 2006, the Council welcomed the success of the African Union-led Abuja talks, in particular the framework agreed between the parties for a resolution of the conflict in Darfur (Darfur Peace Agreement) and again commended the efforts of Chair of the African Union and Special Envoy of the African Union for the talks and Chief Mediator.⁴³⁶

By resolution 1706 (2006) of 31 August 2006, the Council welcomed the efforts of the African Union to find a solution to the crisis in Darfur, including the success of the African Union-led Abuja talks, in particular the Darfur Peace Agreement.⁴³⁷

By resolution 1755 (2007) of 30 April 2007, the Council expressed its full support for the coordinated efforts of the United Nations and African Union special envoys for Darfur to broaden support for and move forward implementation of the Darfur Peace Agreement.⁴³⁸

By resolution 1779 (2007) of 28 September 2007, the Council commended the efforts of, and reiterated its full support for, the African Union, the Secretary-General and their respective special envoys to promote peace and stability in Darfur and expressed strong support for the political process under African Union-United Nations mediation.⁴³⁹

By a presidential statement dated 24 October 2007, the Council stressed the urgent need for an inclusive and sustainable political settlement in Darfur, and strongly welcomed, in that regard, the convening of peace talks on 27 October 2007 in Sirte, Libyan Arab Jamahiriya, under the leadership of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur, who had the full support of the Council.⁴⁴⁰

At the 5784th meeting, on 27 November 2007, the Special Envoy of the Secretary-General for Darfur said that working together in the spirit of Chapter VIII

of the Charter and having the African Union and the United Nations performing common tasks, both in the area of peacekeeping and political talks, was a fascinating but difficult task. He hoped that the political process would move forward.⁴⁴¹

The situation in Guinea-Bissau

By a presidential statement dated 18 June 2004, the Council reaffirmed the importance of the regional dimension in the solution of the problems faced by Guinea-Bissau, and, in that regard, welcomed the role being played by the African Union, the West African Economic and Monetary Union, ECOWAS and the Community of Portuguese-speaking Countries in the peace-building process in Guinea-Bissau.⁴⁴²

By resolution 1580 (2004) of 22 December 2004, the Council encouraged the establishment of a joint coordinating mechanism among the United Nations, ECOWAS and the Community of Portuguese-speaking Countries to ensure synergy and complementarity.⁴⁴³

Following the successful holding of the presidential elections in Guinea-Bissau, the Council, by a presidential statement dated 19 August 2005, expressed its appreciation for the contribution made by, inter alia, the African Union, the Community of Portuguese-speaking Countries, ECOWAS and the European Union, and underlined the importance of their timely diplomatic efforts aimed at promoting national dialogue and respect for the rule of law.⁴⁴⁴

By a presidential statement dated 19 October 2007, the Council welcomed the decision by ECOWAS to convene later that year a regional conference on combating drug trafficking, aimed at developing a regional plan of action to deal with that challenge, recognizing the importance of containing and reversing the threat of drug trafficking to the peace consolidation process in Guinea-Bissau. The Council also welcomed the assistance provided to Guinea-Bissau by, among others, the European Union, and encouraged its enhanced constructive involvement in the country. The Council took note of the announcement made by the European Union and ECOWAS to make resources available in support of security sector reform. Furthermore, the Council again welcomed the role that

⁴³⁵ S/PRST/2006/21.

⁴³⁶ Resolution 1679 (2006), fifth and sixth preambular paragraphs.

⁴³⁷ Resolution 1706 (2006), fourth preambular paragraph.

⁴³⁸ Resolution 1755 (2007), fifteenth preambular paragraph.

⁴³⁹ Resolution 1779 (2007), sixth preambular paragraph.

⁴⁴⁰ S/PRST/2007/41.

⁴⁴¹ S/PV.5784, p. 28.

⁴⁴² S/PRST/2004/20.

⁴⁴³ Resolution 1580 (2004), para. 8.

⁴⁴⁴ S/PRST/2005/39.

was being played by the African Union, ECOWAS and the Community of Portuguese-speaking Countries in the peacebuilding process in Guinea-Bissau.⁴⁴⁵

The situation in Liberia

By resolution 1561 (2004) of 17 September 2004, the Council recognized the critical role ECOWAS continued to play in the Liberian peace process and welcomed the support and continued engagement of the African Union and its close coordination with ECOWAS and the United Nations.⁴⁴⁶

By resolution 1626 (2005) of 19 September 2005 and similarly in subsequent resolutions, the Council expressed its appreciation for the indispensable and continuing contributions to the Liberian peace process by ECOWAS and the African Union.⁴⁴⁷

The situation in the Central African Republic

With regard to the situation in the Central African Republic, the Council continued to cooperate with and support the Central African Economic and Monetary Community (CEMAC), including its multinational force, whose deployment had been supported by the Council in 2002.

By a presidential statement dated 28 October 2004, the Council welcomed the considerable efforts in the Central African Republic made by the States members of CEMAC in the political, economic and security fields. The Council also reiterated its full support for the multinational force of CEMAC.⁴⁴⁸

Following the successful holding of the presidential and legislative elections, the Council, by a presidential statement dated 22 July 2005, commended the multinational force of CEMAC and the European Union, among others, for providing decisive support to the Central African defence and security forces. The Council expressed appreciation for the vital role played in the electoral process by the force to date and expressed its support for the continuing efforts by the force to back the consolidation of the constitutional order, which had thus been re-established, and the

rebuilding of the rule of law. The Council welcomed the decision of the States of CEMAC to extend the mandate of the force.⁴⁴⁹

By a presidential statement dated 22 November 2006, the Council encouraged the multinational force of CEMAC to continue supporting the Central African armed forces beyond 30 June 2007. The Council also requested the Secretary-General to reinforce cooperation between the United Nations and members of CEMAC with a view to facilitating and strengthening initiatives aimed at addressing trans-border insecurity in the subregion and bringing to an end the violation by armed groups of the territorial integrity of the Central African Republic.⁴⁵⁰

The situation in the Great Lakes region

At the 5359th meeting, on 27 January 2006, the representative of Angola, noting that the adoption of resolution 1631 (2005) had opened a new era of cooperation and coordination between the United Nations and regional organizations, expressed the view that the African Union and subregional organizations could better play their role if an effective response was given to the problems of the lack of resources and of how to make partnerships between the two mechanisms as efficient as possible. He stressed that useful lessons on the negative impact of the lack of resources should be drawn from the deployment of the missions of the African Union in Burundi and Darfur, while reflecting on the improvement in cooperation between the Council and regional organizations.⁴⁵¹ The representative of Ghana underlined the need to further enhance the burgeoning cooperation between the United Nations and the African Union in accordance with Chapter VIII of the Charter, especially the strengthening of coordination and communications between the two in mediation and peacekeeping efforts in the Great Lakes region.⁴⁵² The representative of Egypt, stressing the need for more coherence among various institutions involved in the region, held that the Council should perform its role, consistent with its responsibility for the maintenance of international peace and security, through its mandates for various peacekeeping operations, while the Peace and Security Council of the African Union should perform its role as

⁴⁴⁵ S/PRST/2007/38.

⁴⁴⁶ Resolution 1561 (2004), third preambular paragraph.

⁴⁴⁷ Resolution 1626 (2005), fifth preambular paragraph; see also resolutions 1667 (2006), 1712 (2006), 1750 (2007) and 1777 (2007).

⁴⁴⁸ S/PRST/2004/39.

⁴⁴⁹ S/PRST/2005/35.

⁴⁵⁰ S/PRST/2006/47.

⁴⁵¹ S/PV.5359 (Resumption 1), p. 7.

⁴⁵² *Ibid.*, p. 10.

the primary regional body concerned with continental security. He added that the relationship between the two bodies needed to be governed by Chapter VIII of the Charter and resolution 1631 (2005) and welcomed in that context the development of consultative institutional mechanisms between the two, including exchanging visits and holding ongoing periodic consultations on peace and security issues.⁴⁵³

By resolution 1653 (2006), adopted at that meeting, the Council commended the positive role played by, among others, the African Union in organizing and participating in the first summit of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region in Dar es Salaam, United Republic of Tanzania, on 19 and 20 November 2004. The Council also invited the international community, including regional organizations, among other actors, to support and complement the peacebuilding and development initiatives required to sustain peace, security and stability in the countries of the Great Lakes region.⁴⁵⁴

Following the conclusion of the second summit of the International Conference on the Great Lakes Region in Nairobi on 15 December 2006, the Council, by a presidential statement dated 20 December 2006, paid tribute to, among others, the joint African Union/United Nations Secretariat, the African Union and the European Union for their support and assistance to the International Conference process.⁴⁵⁵

The situation in Chad, the Central African Republic and the subregion

By a presidential statement dated 27 August 2007, the Council encouraged the Secretary-General and the European Union to continue to collaborate with the African Union and regional stakeholders in support of the ongoing process of improving the security situation in the Sudan, Chad and the Central African Republic.⁴⁵⁶

By resolution 1778 (2007) of 25 September 2007, the Council reiterated its full support for the efforts of the Secretary-General and the African Union to revive the peace process begun by the Darfur Peace

Agreement, consolidate the ceasefire and reinforce the peacekeeping presence in Darfur.⁴⁵⁷

Americas

The question concerning Haiti

The Council supported and encouraged the efforts of the Organization of American States (OAS) and the Caribbean Community (CARICOM) to advance the peace process in Haiti, including the national election process, in cooperation and coordination with the United Nations Stabilization Mission in Haiti (MINUSTAH) established during the period under review.

At the 4917th meeting, on 26 February 2004, the representative of Jamaica said that the situation in Haiti was a serious regional concern and noted that “in keeping with Chapter VIII of the Charter”, regional organizations were often the first recourse in addressing threats to peace and security, using as an example the efforts of CARICOM and OAS in Haiti, following the coup d’état against President Aristide in 2001.⁴⁵⁸

By a presidential statement read out at the meeting, the Council, expressing deep concern in regard to the deterioration of the political, security and humanitarian environment in Haiti, commended OAS and CARICOM for their lead role in promoting a peaceful solution and for trying to re-establish confidence among the parties, in particular through their Plan of Action. The Council supported CARICOM and OAS as they continued to work towards a peaceful and constitutional solution to the current impasse. It stated that the principles outlined in the CARICOM/OAS Plan of Action represented an important basis for a solution to the crisis.⁴⁵⁹ The Council again commended the lead efforts by OAS and CARICOM in resolution 1529 (2004) of 29 February 2004, and subsequently called upon the international community, in particular, among others, OAS and CARICOM, to work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions and to assist in the development of a strategy to promote social and economic development

⁴⁵³ Ibid., p. 32.

⁴⁵⁴ Resolution 1653 (2006), paras. 1 and 19.

⁴⁵⁵ S/PRST/2006/57.

⁴⁵⁶ S/PRST/2007/30.

⁴⁵⁷ Resolution 1778 (2007), eighth preambular paragraph.

⁴⁵⁸ S/PV.4917, p. 3.

⁴⁵⁹ S/PRST/2004/4.

and to combat poverty, and welcomed the intention of OAS and CARICOM to participate in such efforts.⁴⁶⁰

By resolution 1542 (2004) of 30 April 2004, in deciding to establish MINUSTAH, the Council requested that in carrying out its mandate, MINUSTAH cooperate and coordinate with OAS and CARICOM.⁴⁶¹

At the 5110th meeting, on 12 January 2005, the representative of Bolivia noted with satisfaction that the provisions of Chapter VIII of the Charter had been implemented in a positive manner, through the signing of a memorandum of understanding between the United Nations and OAS on electoral assistance in Haiti and through the contacts established with CARICOM to assess the electoral assistance that its members would contribute to support the reconciliation and recovery efforts of the people of Haiti.⁴⁶² By a presidential statement read out at the meeting, the Council called upon the Transitional Government, with the assistance of MINUSTAH and OAS, urgently to take the necessary measures to ensure the holding of free and fair elections in 2005 and the subsequent transfer of power to elected authorities.⁴⁶³ By a presidential statement dated 18 October 2005, the Council, noting with appreciation that 3 million people had to date been registered for elections, praised, among others, OAS for its contribution to that process.⁴⁶⁴ By a presidential statement dated 9 February 2006, commending the Haitian people on the holding of the first round of national elections on 7 February 2006 with high voter turnout and congratulating them on taking that fundamental step towards the restoration of democracy and stability in their country, the Council stated that it wished to thank OAS, among others, for providing crucial assistance to the Transitional Government and the Provisional Electoral Council during that period.⁴⁶⁵ By resolution 1658 (2006) of 14 February 2006, the Council again commended OAS for its efforts in supporting the national elections in Haiti.⁴⁶⁶

⁴⁶⁰ Resolutions 1529 (2004), fifth preambular paragraph and para. 10; and 1542 (2004), ninth preambular paragraph and para. 13.

⁴⁶¹ Resolution 1542 (2004), paras. 1 and 6.

⁴⁶² S/PV.5110 (Resumption 1), p. 20.

⁴⁶³ S/PRST/2005/1.

⁴⁶⁴ S/PRST/2005/50.

⁴⁶⁵ S/PRST/2006/7.

⁴⁶⁶ Resolution 1658 (2006), third preambular paragraph.

Following the inauguration of the President of Haiti, the Council, by a presidential statement dated 15 May 2006, welcomed the intention of CARICOM to reintegrate Haiti fully into the activities of the Community and also expressed its appreciation for the contribution of OAS to the electoral process.⁴⁶⁷

By resolution 1702 (2006) of 15 August 2006, the Council welcomed the readmittance of Haiti to the Councils of CARICOM and called upon MINUSTAH to continue to work closely with OAS and CARICOM. The Council paid tribute to the continued support of the international community, including regional organizations, for Haiti.⁴⁶⁸

By resolutions 1743 (2007) of 15 February 2007 and 1780 (2007) of 15 October 2007, the Council emphasized the role of the regional organizations in the ongoing process of stabilization and reconstruction of Haiti, and called upon MINUSTAH to continue to work closely with OAS and CARICOM. By resolution 1780 (2007), the Council also welcomed the support of OAS to update the Haitian voter registry while calling upon the Haitian authorities to establish permanent and effective electoral institutions and to hold elections consistent with the Haiti's constitutional requirements.⁴⁶⁹

Europe

The situation in Georgia

With regard to the situation in Georgia, the Council continued to encourage the efforts of the collective peacekeeping force of the Commonwealth of Independent States (CIS), operating side by side with the United Nations Observer Mission in Georgia (UNOMIG). The Council also continued to support the efforts of the Organization for Security and Cooperation in Europe (OSCE) in the pacific settlement of the dispute.

By several resolutions, the Council welcomed the important contributions made by UNOMIG and the collective peacekeeping force of CIS in stabilizing the situation in the zone of conflict and stressed its attachment to the close cooperation existing between

⁴⁶⁷ S/PRST/2006/22.

⁴⁶⁸ Resolution 1702 (2006), fifteenth and seventeenth preambular paragraphs.

⁴⁶⁹ Resolutions 1743 (2007), seventh preambular paragraph; and 1780 (2007), eleventh and sixteenth preambular paragraphs.

them in the performance of their respective mandates.⁴⁷⁰ It also commended and strongly supported the sustained efforts of, among others, OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which had to include a settlement of the political status of Abkhazia within the State of Georgia.⁴⁷¹

By a series of resolutions, the Council extended the mandate of UNOMIG, subject to a review, as appropriate, of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force.⁴⁷²

By resolution 1666 (2006) of 31 March 2006 and also subsequent resolutions, the Council stressed the sustained efforts of OSCE and stressed the importance of close and effective cooperation between UNOMIG and the peacekeeping force of CIS, as they were playing an important stabilizing role in the conflict zone, and recalled that a lasting and comprehensive settlement of the conflict would require appropriate security guarantees.⁴⁷³ In addition, by resolution 1716 (2006) of 13 October 2006, the Council acknowledged the important role of the peacekeeping force of CIS and of UNOMIG in the Georgian-Abkhaz conflict zone. The Council also noted with satisfaction the resumption of joint patrols in the upper Kodori Valley by UNOMIG and the peacekeeping force of CIS and reaffirmed that such joint patrols should be conducted on a regular basis.⁴⁷⁴

The situation in Bosnia and Herzegovina

During the period under review, the Council continued to emphasize its appreciation to a number of actors, which included OSCE, the European Union and personnel of NATO and other international

⁴⁷⁰ Resolutions 1524 (2004), ninth preambular paragraph; 1554 (2004), eighth preambular paragraph; 1582 (2005), eighth preambular paragraph; and 1615 (2005), eighth preambular paragraph.

⁴⁷¹ Resolutions 1524 (2004), para. 3; 1554 (2004), para. 2; 1582, (2005), para. 2; and 1615 (2005), para. 2.

⁴⁷² Resolutions 1524 (2004), para. 29; 1554 (2004), para. 28; 1582 (2005), para. 31; 1615 (2005), para. 33; and 1666 (2006), para. 11.

⁴⁷³ Resolutions 1666 (2006), third and fourth preambular paragraphs; 1716 (2006), third preambular paragraph and para. 7; 1752 (2007), third and fourth preambular paragraphs; and 1781 (2007), fourth and fifth preambular paragraphs.

⁴⁷⁴ Resolution 1716 (2006), paras. 5 and 7.

organizations and agencies in Bosnia and Herzegovina, for their contributions to the implementation of the Dayton Peace Agreement,⁴⁷⁵ in several decisions.⁴⁷⁶ By a number of resolutions, the Council also reiterated its appreciation for the deployment by the European Union of its Police Mission to Bosnia and Herzegovina since 1 January 2003.⁴⁷⁷

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

By a presidential statement dated 24 October 2005, the Council, welcoming the report of the Secretary-General's envoy on the comprehensive review of the implementation of standards, as well as of the overall situation in and relating to Kosovo, Serbia and Montenegro,⁴⁷⁸ called upon interested regional and international organizations to cooperate closely in the process to determine the future status of Kosovo.⁴⁷⁹

Asia

The situation in Afghanistan

By a presidential statement dated 15 July 2004, the Council acknowledged the intention of the European Union and bilateral donors to contribute to the conduct of free and fair elections and noted ongoing discussions within OSCE on a possible contribution in that context.⁴⁸⁰

By a presidential statement of 17 July 2007, the Council welcomed the deployment, beginning of 15 June 2007, of the European Union Police Mission in Afghanistan.⁴⁸¹

⁴⁷⁵ See S/1995/1021, annex.

⁴⁷⁶ Resolutions 1551 (2004), fifth preambular paragraph; 1575 (2004), seventh preambular paragraph; 1639 (2005), seventh preambular paragraph; 1722 (2006) seventh preambular paragraph; and 1785 (2007), seventh preambular paragraph.

⁴⁷⁷ Resolutions 1551 (2004), para. 22; 1575 (2004), para. 20; 1639 (2005), para. 20; 1722 (2006), para. 20; and 1785 (2007), para. 20.

⁴⁷⁸ S/2005/635.

⁴⁷⁹ S/PRST/2005/51.

⁴⁸⁰ S/PRST/2004/25.

⁴⁸¹ S/PRST/2007/27.

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

By a presidential statement dated 15 June 2005, the Council, welcoming the first general elections for the president and members of the House of Representatives of the Autonomous Region of Bougainville held from 20 May through 9 June 2005, which marked a significant and historical landmark in the Bougainville peace process, the Council expressed its appreciation for the role played by electoral observers in the smooth conduct of the elections in Bougainville.⁴⁸²

The situation in Myanmar

By a presidential statement dated 11 October 2007, the Council welcomed the important role played by the countries of the Association of Southeast Asian Nations (ASEAN) in urging restraint, calling for a peaceful transition to democracy and supporting the good offices mission of the Secretary-General.⁴⁸³

Middle East

*The situation concerning Iraq*⁴⁸⁴

Subsequent to the successful elections of 30 January 2005, the Council, by a presidential statement of 16 February 2005, expressed appreciation for the assistance given by international actors, including European Union electoral experts.⁴⁸⁵ Following the inauguration on 20 May 2006 of Iraq's constitutionally elected Government, the Council, by a presidential statement dated 24 May 2006, looked forward to the continued efforts of LAS, including the forthcoming conference in Baghdad, in support of the political process that the Council had endorsed.⁴⁸⁶

The situation in the Middle East

By a presidential statement dated 22 June 2005, the Council, welcoming the Lebanese parliamentary elections held from 29 May to 19 June 2005, paid

⁴⁸² S/PRST/2005/23.

⁴⁸³ S/PRST/2007/37.

⁴⁸⁴ Decisions were taken also under the item entitled "The situation between Iraq and Kuwait".

⁴⁸⁵ S/PRST/2005/5.

⁴⁸⁶ S/PRST/2006/24.

tribute to the crucial contribution of the international observers, notably from the European Union.⁴⁸⁷

The situation in the Middle East, including the Palestinian question

By a presidential statement dated 30 November 2005, the Council, welcoming the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing reached between the Government of Israel and the Palestinian Authority on 15 November 2005, expressed its strong appreciation to the European Union for assuming the role of third-party monitor.⁴⁸⁸

C. Authorization by the Security Council of enforcement action by regional arrangements, and related action by the Council

From 2004 to 2007, the Security Council increasingly gave its authorization under Chapter VII of the Charter to regional arrangements to deploy peacekeeping operations, most of which were also authorized to take all necessary actions. During the reporting period, six new regional peacekeeping operations were authorized by the Council in Bosnia and Herzegovina, Chad/Central African Republic, the Democratic Republic of the Congo, Somalia and Sudan (Darfur).⁴⁸⁹ The culmination of cooperation with regional arrangements in peacekeeping was the deployment of a hybrid peacekeeping operation of the African Union and the United Nations in Darfur, which evolved from the African Union Mission in the Sudan authorized by the Council under Chapter VII of the Charter.

The Council continued to cooperate with regional organizations in the implementation of Chapter VII measures, such as sanctions. In its decisions, the Council welcomed the efforts undertaken by its subsidiary bodies with responsibilities in counter-

⁴⁸⁷ S/PRST/2005/26.

⁴⁸⁸ S/PRST/2005/57.

⁴⁸⁹ The European Union force in Bosnia and Herzegovina; the European Union operation in Chad/Central African Republic; the European Union force in the Democratic Republic of the Congo; the Intergovernmental Authority on Development Peace Support Mission and the African Union Mission in Somalia; and the African Union Mission in the Sudan.

terrorism to foster cooperation with regional and subregional organizations and noted with appreciation the efforts made by an increasing number of those organizations in the fight against terrorism.⁴⁹⁰

The practice of the Council in this regard is presented below, by region and in chronological order.

Africa

The situation in Côte d'Ivoire

On 4 April 2004, the ECOWAS Mission in Côte d'Ivoire, which the Council had originally authorized by resolution 1464 (2003), under Chapter VII of the Charter, to "take the necessary steps" to guarantee the security and freedom of movement of its personnel and to ensure the protection of civilians, transferred its authority to a newly established peacekeeping operation, the United Nations Operation in Côte d'Ivoire (UNOCI).

By resolutions 1527 (2004) of 4 February 2004 and 1528 (2004) of 27 February 2004, the Council welcomed in particular the effective action taken by the ECOWAS forces in order to stabilize the country.⁴⁹¹ By resolution 1527 (2004), acting under Chapter VII of the Charter, the Council decided to renew until 27 February 2004 the authorization given to Member States participating in forces of ECOWAS.⁴⁹²

By resolution 1528 (2004), taking note of the request made by ECOWAS to the Council on 24 November 2003 to establish a peacekeeping operation in Côte d'Ivoire and acting under Chapter VII of the Charter, the Council decided to establish UNOCI for an initial period of 12 months as from 4 April 2004, and requested the Secretary-General to transfer authority from the United Nations Mission in Côte d'Ivoire (MINUCI) and the ECOWAS forces to UNOCI on that date. The Council decided to renew until 4 April 2004 the authorization given to the forces of ECOWAS through its resolution 1527 (2004).⁴⁹³

In his report dated 2 June 2004, the Secretary-General reported that on 4 April 2004 UNOCI officially had replaced MINUCI and re-hatted ECOWAS troops.⁴⁹⁴

Items relating to the Sudan

The Council's cooperation with the African Union resulted in the deployment of the first-ever joint peacekeeping operation with a regional organization under Chapter VII of the Charter, the African Union-United Nations Hybrid Operation in Darfur (UNAMID), in July 2007, which was authorized to use force. The Council invited the African Union to cooperate in the implementation of sanctions measures as well as in the context of its referral of the situation in Darfur to the International Criminal Court.

By resolution 1556 (2004) of 30 July 2004, the Council, acting under Chapter VII of the Charter, endorsed the deployment of international monitors, including the protection force envisioned by the African Union, to the Darfur region of the Sudan under the leadership of the African Union. The Council urged Member States to reinforce the international monitoring team, led by the African Union, including the protection force, by providing personnel and other assistance as needed for the monitoring operations and expressed its full support for the African Union-led ceasefire commission and monitoring mission in Darfur.⁴⁹⁵

By resolution 1564 (2004) of 18 September 2004, the Council, acting under Chapter VII of the Charter, welcomed and supported the intention of the African Union to enhance and augment its monitoring mission in the Darfur region of the Sudan and encouraged the undertaking of proactive monitoring. The Council again urged Member States to support the African Union in those efforts, including by providing all equipment, logistical, financial, material and other resources necessary to support the rapid expansion of the African Union mission.⁴⁹⁶

⁴⁹⁰ See, for example, resolution 1631 (2005), para. 6, S/PRST/2006/39 and S/PRST/2007/42.

⁴⁹¹ Resolutions 1527 (2004), fifth preambular paragraph; and 1528 (2004), eleventh preambular paragraph.

⁴⁹² Resolution 1527 (2004), para. 2.

⁴⁹³ Resolution 1528 (2004), thirteenth preambular paragraph and paras. 1 and 15.

⁴⁹⁴ S/2004/443, para. 25.

⁴⁹⁵ Resolution 1556 (2004), paras. 2, 3 and 16.

⁴⁹⁶ Resolution 1564 (2004), paras. 2-3. Throughout the period under review, the call for provision of the required equipment and necessary resources to the African Union mission was reiterated in several decisions (see resolutions 1574 (2004); 1590 (2005); and 1591 (2005); and S/PRST/2005/67).

At the 5040th meeting, following the adoption of resolution 1564 (2004), a few representatives expressed regret that the resolution had not included a reference to Chapter VIII of the Charter. The representative of Benin opined that such a reference would have highlighted the cooperation and consultation necessary between the United Nations and the regional organizations.⁴⁹⁷ The representative of Brazil said that, while resolution 1564 (2004) committed the international community to political and military efforts made by the African Union in Darfur, the Council should have gone further by basing the appropriate paragraphs of the resolution on Chapter VIII of the Charter. Such provisions would have been not only easily acceptable but also timely and appropriate and provided a steadier political and legal basis for the budding cooperation between the United Nations and the African Union in that particular instance.⁴⁹⁸

By resolution 1574 (2004) of 19 November 2004, the Council expressed its strong support of the decisions of the African Union to increase its mission in Darfur to 3,320 personnel and to enhance its mandate to include the tasks listed in paragraph 6 of the communiqué of 20 October 2004 of the Peace and Security Council of the African Union.⁴⁹⁹

By resolution 1590 (2005) of 24 March 2005, commending the efforts of the African Union and acknowledging the progress made by the African Union in the deployment of an international protection force, police and military observers, the Council requested that the United Nations Mission in the Sudan (UNMIS), established by that resolution, closely and continuously liaise and coordinate at all levels with the African Union Mission in the Sudan (AMIS) with a view to expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and AMIS.⁵⁰⁰ By resolution 1591 (2005) of 29 March 2005, the Council reiterated its commendation for the efforts of the African Union, including its deployment of an international protection force, police and military observers.⁵⁰¹

By a presidential statement dated 12 May 2005, the Council applauded the vital leadership role of the African Union in Darfur and the work of AMIS on the ground. The Council supported the subsequent decision taken by the African Union Peace and Security Council on 28 April 2005 to expand its Mission in Darfur to 7,731 personnel by the end of September 2005. It looked forward to close coordination and cooperation between UNMIS and AMIS, recalling resolution 1590 (2005) in that regard. The Council also welcomed the role played by the partners of the African Union in support of AMIS and underlined the active role played by the European Union.⁵⁰²

By a presidential statement dated 21 December 2005, the Council expressed its gratitude to the African Union and its Mission in the Sudan for the positive role that its forces had played in reducing violence and promoting the restoration of order in Darfur.⁵⁰³

By a presidential statement of 3 February 2006, the Council commended the efforts of the African Union for successful deployment of AMIS and for significant contribution to the provision of a secure environment for civilians and the humanitarian situation in Darfur. The Council welcomed the recognition by the Peace and Security Council of the partnership between the African Union and the United Nations in the promotion of peace, security and stability in Africa. The Council further took note of the communiqué of 12 January 2006 issued by the Peace and Security Council, in which it had expressed its support, in principle, for a transition from AMIS to a United Nations operation and requested the Chairman of the Commission of the African Union to initiate consultations with the United Nations and other stakeholders on that matter. The Council emphasized the importance of maintaining strong support for AMIS until any eventual transition was completed.⁵⁰⁴

By resolution 1663 (2006) of 24 March 2006, the Council welcomed the communiqué of 10 March 2006 issued by the Peace and Security Council at its forty-sixth meeting,⁵⁰⁵ and the decision of that Council to support in principle the transition of AMIS to a United Nations operation within the framework of partnership between the African Union and the United Nations in

⁴⁹⁷ S/PV.5040, pp. 8-9.

⁴⁹⁸ *Ibid.*, p. 10.

⁴⁹⁹ Resolution 1574 (2004), para. 13.

⁵⁰⁰ Resolution 1590 (2005), fourteenth preambular paragraph and para. 2.

⁵⁰¹ Resolution 1591 (2005), fourteenth preambular paragraph.

⁵⁰² S/PRST/2005/18.

⁵⁰³ S/PRST/2005/67.

⁵⁰⁴ S/PRST/2006/5.

⁵⁰⁵ S/2006/156, annex.

the promotion of peace, security and stability in Africa, to pursue the conclusion of a peace agreement on Darfur by the end of April 2006, and to extend the mandate of AMIS until 30 September 2006. The Council requested that the Secretary-General, jointly with the African Union, in close and continuing consultations with the Council, expedite the necessary preparatory planning for transition of AMIS to a United Nations operation, and encouraged the Secretary-General to continue to provide the maximum possible assistance to AMIS. The Council also requested the Secretary-General and the African Union to consult with international and regional organizations and member States to identify resources to support AMIS during transition to a United Nations operation.⁵⁰⁶

By a presidential statement of 11 April 2006 and subsequent decisions, the Council commended the African Union for what AMIS had successfully achieved in Darfur despite exceptionally difficult circumstances. The Council again stressed that the Secretary-General should consult jointly with the African Union, in close and continuing consultation with the Council, on decisions concerning the transition and called upon international and regional organizations and Member States to provide every possible additional assistance to a follow-on United Nations operation.⁵⁰⁷

Following the conclusion of the Darfur Peace Agreement, the Council, by resolution 1679 (2006) of 16 May 2006, commended the efforts of the African Union for successful deployment of AMIS and further commended the efforts of, among others, regional organizations that had assisted AMIS in its deployment. The Council also welcomed the efforts of, *inter alia*, regional organizations to maintain and strengthen their support to AMIS and potentially to a follow-on United Nations operation in Darfur and appealed to African Union partners to provide the necessary support to AMIS to allow it to continue to perform its mandate during the transition. The Council called upon the African Union to agree with the United Nations, regional and international organizations and Member States on requirements necessary to strengthen the capacity of AMIS to enforce the security

⁵⁰⁶ Resolution 1663 (2006), seventh preambular paragraph and paras. 4-6.

⁵⁰⁷ S/PRST/2006/16; S/PRST/2006/21; and resolution 1679 (2006), ninth preambular paragraph and para. 4.

arrangements of the Darfur Peace Agreement, with a view to a follow-on United Nations operation in Darfur, and endorsed the decision of the Peace and Security Council in its communiqué of 15 May 2006⁵⁰⁸ that, in view of the signing of the Darfur Peace Agreement, concrete steps should be taken to effect the transition from AMIS to a United Nations operation.⁵⁰⁹

By resolution 1706 (2006) of 31 August 2006, the Council again commended the efforts of the African Union for the successful deployment of AMIS and the role of AMIS in reducing large-scale organized violence in Darfur and stressed the need for AMIS to assist implementation of the Darfur Peace Agreement until transition to the United Nations force in Darfur was completed. The Council also welcomed the decision of the Peace and Security Council of 27 June 2006 on strengthening the mandate and tasks of the Mission, including on the protection of civilians. The Council requested the Secretary-General to consult jointly with the African Union on a plan and timetable for transition from AMIS to a United Nations operation in Darfur and decided that UNMIS should take over from AMIS the responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of the mandate of AMIS but in any event no later than 31 December 2006. The Council also requested the Secretary-General to take the necessary steps to strengthen AMIS through the use of existing and additional United Nations resources with a view to transitioning to a United Nations operation in Darfur and authorized the Secretary-General during that transition to implement the longer-term support to AMIS outlined in the report of the Secretary-General of 28 July 2006,⁵¹⁰ including provision of air assets, ground mobility package, training, engineering and logistics, mobile communications capacity and broad public information assistance.⁵¹¹

At the 5528th meeting, on 18 September 2006, the Special Representative of the Secretary-General for the Sudan, speaking of the difficulties of a transition from AMIS to an United Nations operation due to the lack of consent by the Government of the Sudan, indicated his belief that the Government of the Sudan

⁵⁰⁸ S/2006/307, annex.

⁵⁰⁹ Resolution 1679 (2006), tenth and thirteenth preambular paragraphs and paras. 2-4.

⁵¹⁰ S/2006/591.

⁵¹¹ Resolution 1706 (2006), fifth preambular paragraph and paras. 5 and 7.

would accept the authority of a transition rooted in Chapter VIII of the Charter.⁵¹²

By resolution 1714 (2006) of 6 October 2006, the Council welcomed the decision of the Peace and Security Council at its sixty-third meeting, on 20 September 2006, to extend the mandate of AMIS until 31 December 2006, and encouraged the efforts of the Secretary-General and the African Union to implement those provisions of resolution 1706 (2006) on United Nations assistance to AMIS.⁵¹³

By resolution 1755 (2007) of 30 April 2007, the Council again commended the efforts of the African Union for successful deployment of AMIS, despite exceptionally difficult circumstances.⁵¹⁴

By a presidential statement dated 25 May 2007, the Council welcomed the transmission of the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation in Darfur,⁵¹⁵ which contained recommendations regarding a mandate and a structure for the hybrid operation, details on the various components of the proposed operation and their specific tasks, and a description of the ongoing efforts of the international community to support the peace process in Darfur and to strengthen AMIS. The Council noted that agreement between the African Union and the United Nations on that joint report was an important development in the comprehensive approach to the peace process in Darfur, which also included re-energizing the political process, strengthening the ceasefire, and implementing the three-phase approach to peacekeeping, culminating in an African Union-United Nations hybrid operation. The Council called for the full implementation without delay of the United Nations light and heavy support packages of assistance to AMIS, as well as for the report of the Secretary-General and the Chairperson of the African Union Commission on the hybrid operation to be considered and taken forward immediately.⁵¹⁶

By resolution 1769 (2007) of 31 July 2007, the Council recalled that cooperation between the United Nations and the regional arrangements in matters

relating to the maintenance of peace and security was an integral part of collective security as provided for in the Charter of the United Nations. The Council also commended the efforts of the African Union for the successful deployment of AMIS as well as the efforts of Member States and regional organizations that had assisted it in its deployment, and stressed the need for AMIS, as supported by the United Nations light and heavy support packages, to assist in the implementation of the Darfur Peace Agreement until the end of its mandate. The Council recalled the communiqué of the seventy-ninth meeting of the Peace and Security Council of 22 June 2007, at which that Council had extended the mandate of AMIS for an additional period not exceeding six months, until 31 December 2007.⁵¹⁷

By the same resolution, the Council decided to authorize and mandate the establishment, for an initial period of 12 months, of an African Union-United Nations Hybrid Operation in Darfur (UNAMID), to incorporate personnel from AMIS and the United Nations heavy and light support packages to AMIS, with command and control structures and backstopping provided by the United Nations. In doing so, the Council authorized UNAMID to “take the necessary action”, in the areas of deployment of its forces and as it deemed within its capabilities in order to, inter alia, protect its personnel, support early and effective implementation of the Darfur Peace Agreement and to protect civilians. The Council also stressed the urgent need to mobilize the financial, logistical and other support required for AMIS.⁵¹⁸

At the 5727th meeting, on 31 July 2007, at which that resolution was adopted, the representative of France expressed the view that resolution 1769 (2007) was the outcome of a process of cooperation between the United Nations and the African Union that had been exemplary in many respects. He held that given its unprecedented hybrid nature and joint leadership by two organizations, UNAMID would require the special commitment of, and ongoing mobilization by, the international community, relying on the United Nations and the African Union which had a special responsibility.⁵¹⁹ The representative of Slovakia expressed particular appreciation that resolution 1769

⁵¹² S/PV.5528, pp. 21-22.

⁵¹³ Resolution 1714 (2006), ninth and tenth preambular paragraphs.

⁵¹⁴ Resolution 1755 (2007), fourteenth preambular paragraph.

⁵¹⁵ See S/2007/307/Rev.1.

⁵¹⁶ S/PRST/2007/15.

⁵¹⁷ Resolution 1769 (2007), third and eighth preambular paragraphs.

⁵¹⁸ *Ibid.*, paras. 1, 2, 7, 11 and 15 (a). For details of the mandate of UNAMID, see chap. V, part I.F.

⁵¹⁹ S/PV.5727, p. 4.

(2007) reflected the new partnership between the African Union and the United Nations, which would be crucial for the future success of the hybrid operation.⁵²⁰ The representative of the United States, echoed by the representative of Belgium, stated that the hybrid operation represented a new and unique form of cooperation between the two organizations.⁵²¹ The representative of the African Union was convinced that the joint efforts of the United Nations and the African Union in Darfur and in other conflict situations in Africa would greatly contribute to building a new framework of cooperation between the United Nations, the African Union and other regional organizations in the maintenance of international peace and security and the promotion of sustainable development.⁵²²

With regard to the measures imposed in the framework of Article 41 against the Sudan, the Council, by resolution 1591 (2005) of 29 March 2005, in strengthening the arms embargo originally imposed by resolution 1556 (2004) and imposing additional measures of a travel ban and an asset freeze, invited the African Union Ceasefire Commission to share pertinent information as appropriate with the Secretary-General and the Committee or the Panel of Experts established by the resolution.⁵²³ By a presidential statement of 13 October 2005, the Council urged the African Union to share results of its investigations into recent attacks against personnel of AMIS with the Council for possible referral to the Sudan sanctions committee in order to assist in the implementation of the provisions of the relevant Council resolutions, while expressing its unequivocal support for AMIS.⁵²⁴ Furthermore, by a series of resolutions, the Council urged the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolutions 1556 (2004) and 1591 (2005).⁵²⁵

By resolution 1593 (2005) of 31 March 2005, the Council, acting under Chapter VII of the Charter, decided to refer the situation in Darfur since 1 July

2002 to the Prosecutor of the International Criminal Court and urged all States and “concerned regional and other international organizations” to cooperate fully. The Council also invited the Court and the African Union to discuss practical arrangements that would facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity.⁵²⁶

The situation concerning the Democratic Republic of Congo

The Council authorized the European Union to deploy a peacekeeping operation in the Democratic Republic of the Congo for a limited period of time, to assist in the elections in that country.

By a letter dated 27 December 2005 to the Presidency of the European Union, the Under-Secretary-General for Peacekeeping Operations appealed to the European Union to consider the possibility of making available a deterrent force that, if necessary, could be deployed to the Democratic Republic of the Congo during the electoral process.⁵²⁷ The Minister for Foreign Affairs of Austria on behalf of the Council of the European Union, in his letter dated 28 March 2006, informed the Secretary-General that the Council of the European Union had decided to respond positively to that request, while underlining the need for the Security Council to adopt accordingly a resolution under Chapter VII of the Charter which would provide a legal basis for the presence of European troops and give a robust mandate to the European force. The Minister also stated that the force would not substitute for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) or the armed forces of the Democratic Republic of the Congo in their tasks, and noted the assessment that the capabilities of MONUC in certain parts of the territory of the Democratic Republic of the Congo should enable it to address possible difficulties without support from the European Union.⁵²⁸

By resolution 1671 (2006) of 25 April 2006, welcoming the intention of the European Union to deploy a force to support MONUC during the electoral period in the Democratic Republic of the Congo as

⁵²⁰ Ibid., p. 6.

⁵²¹ Ibid., p. 6 (Belgium); and p. 7 (United States).

⁵²² Ibid., p. 12.

⁵²³ Resolution 1591 (2005), para. 7.

⁵²⁴ S/PRST/2005/48.

⁵²⁵ Resolutions 1665 (2006), para. 3; 1713 (2006), para. 3; and 1779 (2007), para. 4.

⁵²⁶ Resolution 1593 (2005), paras. 1-3.

⁵²⁷ S/2006/219, annex I.

⁵²⁸ Ibid., annex II.

expressed in the above-mentioned letter by the Minister for Foreign Affairs of Austria, the Council, acting under Chapter VII of the Charter, authorized, for a period ending four months after the date of the first round of the presidential and parliamentary elections, the deployment of a European Union force in the Democratic Republic of the Congo. The Council decided that the force was authorized to “take all necessary measures”, within its means and capabilities, to carry out the following tasks: (a) to support the Mission to stabilize a situation, in case the Mission faced serious difficulties in fulfilling its mandate within its existing capabilities; (b) to contribute to the protection of civilians under imminent threat of physical violence in the areas of its deployment, and without prejudice to the responsibility of the Government of the Democratic Republic of the Congo; (c) to contribute to airport protection in Kinshasa; (d) to ensure the security and freedom of movement of the personnel as well as the protection of the installations of the force; and (e) to execute operations of a limited character in order to extract individuals in danger. The Council requested the European Union and the Secretary-General to ensure close cooperation during the preparation of the establishment of the European Union force and for the duration of its mandate, and until its full disengagement. The Council also authorized MONUC, within the limit of its capacities, to provide all necessary logistical support to the European Union force, on a cost-reimbursement basis.⁵²⁹ The Council also decided that the arms embargo imposed by resolutions 1493 (2003) and 1596 (2005) would not apply to supplies of arms and related materiel as well as technical training and assistance intended solely for the support of or use by the European Union force.⁵³⁰

By a presidential statement dated 3 August 2006 and similarly by resolution 1711 (2006) of 29 September 2006, the Council, paying tribute to the citizens of the Democratic Republic of the Congo who, on 30 July 2006, had taken part in great numbers in democratic elections of historic importance for their nation, expressed its gratitude to, among others, the European Union and the force it had temporarily deployed during the electoral process.⁵³¹

⁵²⁹ Resolution 1671 (2006), tenth preambular paragraph and paras. 2, 8, 11 and 14.

⁵³⁰ *Ibid.*, para. 10.

⁵³¹ S/PRST/2006/36; and resolution 1711 (2006), fifth preambular paragraph.

By a presidential statement dated 22 September 2006, the Council, deploring the violence that had erupted in Kinshasa from 20 to 22 August 2006 between security forces loyal to President Joseph Kabila and Vice-President Jean-Pierre Bemba, commended the effective action of European Union force in support of MONUC.⁵³²

Following the provincial elections and the second round of the presidential election held on 29 October 2006, the Council, by a presidential statement of 7 November 2006, welcomed the support provided for the holding of the elections by, among others, the European Union force and the European Union.⁵³³ After the announcement by the Supreme Court of Justice on 27 November 2006 of the formal results of the second round of the presidential election, the Council again commended the invaluable support provided for the holding of the elections by, inter alia, the European Union force and the European Union.⁵³⁴

At the 5616th meeting, on 9 January 2007, reporting on the implementation of the mandate of the European Union force in the Democratic Republic of the Congo, the representative of Germany, speaking on behalf of the European Union, stated that, after the adoption of resolution 1671 (2006), the force had been launched in July 2006, with a total of 21 member States participating, and had concluded its mission after four months, at the end of November 2006. He stressed that the force had been another milestone of cooperation between the European Union and the United Nations in the field of peacekeeping in Africa and opined that the lessons drawn from the experience would be important for the future partnership in the field of crisis management, adding that such cooperation needed to be accompanied by appropriate mechanisms of dialogue and exchange.⁵³⁵

The situation in Somalia

The Council authorized Member States and the African Union to establish a mission in Somalia, which should also be authorized to take all necessary measures to carry out its mandate.

By resolution 1725 (2006) of 6 December 2006, the Council, acting under Chapter VII of the Charter,

⁵³² S/PRST/2006/40.

⁵³³ S/PRST/2006/44.

⁵³⁴ S/PRST/2006/50.

⁵³⁵ S/PV.5616, p. 3.

decided to authorize IGAD and States members of the African Union to establish a protection and training mission in Somalia, to be known as IGASOM, to be reviewed after an initial period of six months by the Council, with the following mandate: (a) to monitor progress by the transitional federal institutions and the Union of Islamic Courts in implementing agreements reached in their dialogue; (b) to ensure free movement and safe passage of all those involved with the dialogue process; (c) to maintain and monitor security in Baidoa; (d) to protect members of the transitional federal institutions and the Transitional Federal Government as well as their key infrastructure; and (e) to train the security forces of the transitional federal institutions to enable them to provide their own security and to help to facilitate the re-establishment of national security forces of Somalia. The Council also endorsed the specification in the deployment plan of IGAD that those States that bordered Somalia would not deploy troops to Somalia and decided that the arms embargo imposed by resolution 733 (1992) should not apply to supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by IGASOM.⁵³⁶

In his report dated 28 February 2007, the Secretary-General reported that, since the adoption of resolution 1725 (2006), efforts had been under way to expedite the deployment of a peace support mission to Somalia. Once it became clear that IGAD would be unable to deploy IGASOM, it was decided that the African Union Mission in Somalia (AMISOM) would be deployed, which was approved by the Peace and Security Council of the African Union for six months to contribute to the initial stabilization phase in Somalia.⁵³⁷

In its communiqué of 19 January 2007, the Peace and Security Council stated that the African Union should deploy for a period of six months a mission to Somalia, aimed essentially at contributing to the initial stabilization phase in Somalia, and that the mission would evolve into a United Nations operation that would support the long-term stabilization and post-conflict restoration of Somalia.⁵³⁸ By resolution 1744 (2007) of 20 February 2007, the Council took note of that communiqué and welcomed the intention of the African Union to establish a mission in Somalia. The Council underlined that the deployment of

AMISOM would help to avoid a security vacuum and create the conditions for full withdrawal of the troops of Ethiopia and the lifting of emergency security measures that were currently in place.⁵³⁹

By the same resolution, the Council, acting under Chapter VII of the Charter, decided to authorize member States of the African Union to establish for a period of six months a mission in Somalia, which should be authorized to “take all necessary measures”, as appropriate, to carry out its mandate. The mandate included (a) to support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the political process referred to in the resolution; (b) to provide, as appropriate, protection to the transitional federal institutions to help them to carry out their functions of government, and security for key infrastructure; (c) to assist, within its capabilities, and in coordination with other parties, with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces; (d) to contribute, as might be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance; and (e) to protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel. The Council decided that the arms embargo, as imposed by resolution 733 (1992) should not apply to supplies of weapons and military equipment, technical training and assistance intended solely for the support of or use by AMISOM. The Council urged States members of the African Union to contribute to AMISOM in order to create the conditions for the withdrawal of all other foreign forces from Somalia, further urged Member States to provide personnel, equipment and services if required, for the successful deployment of AMISOM and encouraged Member States to provide financial resources for AMISOM.⁵⁴⁰ Similar calls for contribution and assistance to AMISOM were reiterated in subsequent decisions.⁵⁴¹

⁵³⁹ Resolution 1744 (2007), sixth, seventh and eighth preambular paragraphs.

⁵⁴⁰ *Ibid.*, paras. 4, 5, 6 (a) and 8.

⁵⁴¹ Resolution 1772 (2007), paras. 10 and 14; and S/PRST/2007/13; S/PRST/2007/19; and S/PRST/2007/49.

⁵³⁶ Resolution 1725 (2006), paras. 3-5.

⁵³⁷ S/2007/115, p. 6.

⁵³⁸ S/2007/34, annex.

By a presidential statement dated 30 April 2007, the Council reiterated that, as set out in resolution 1744 (2007), full and effective deployment of AMISOM was vital, welcomed deployments thus far under AMISOM and emphasized the contribution of AMISOM to lasting peace and stability in Somalia.⁵⁴²

By a presidential statement dated 14 June 2007, the Council underlined its appreciation for the efforts of the Ugandan forces currently deployed in Mogadishu under AMISOM and the invaluable contribution of Uganda to peace and stability in Somalia.⁵⁴³

In a communiqué of 18 July 2007, the Peace and Security Council stated that the African Union would extend the mandate of its mission to Somalia for an additional six months and called for the United Nations to deploy a peacekeeping operation to Somalia that would support the long-term stabilization and post-conflict restoration in the country.⁵⁴⁴ By resolution 1772 (2007) of 20 August 2007, the Council again emphasized the contribution that AMISOM and its Ugandan contingents were making to lasting peace and stability in Somalia. The Council welcomed the above-mentioned communiqué and underlined that the full deployment of AMISOM would help to avoid a security vacuum and to create the conditions for the full withdrawal of other foreign forces from Somalia. Acting under Chapter VII of the Charter, the Council reauthorized the deployment for an additional six months of AMISOM, which was again authorized to take all necessary measures to carry out its mandate as set out in that resolution.⁵⁴⁵

At the 5805th meeting, on 17 December 2007, the Special Representative of the Secretary-General for Somalia stressed that AMISOM needed to remain operational and that its effectiveness needed to be strengthened.⁵⁴⁶ A majority of speakers commended the work of AMISOM and stressed the need to strengthen it, including by providing financial, logistical and technical support.⁵⁴⁷ The representative

of Italy held that the first priority was to strengthen AMISOM, because the credibility of the partnership between the African Union and the United Nations was at stake.⁵⁴⁸ The representative of South Africa stressed that, despite the often-cited admirable work that AMISOM had been doing, “we all know that this has gone beyond sustainability and effectiveness”. Noting that the problem was not just one of resources but also the nature of the mandate, he stated that AMISOM was deployed as a stopgap until the United Nations could deploy. He expressed hope that the Security Council would revisit the request of the African Union for an expedited deployment of a United Nations operation to Somalia.⁵⁴⁹ Pointing out that the Ugandan contingent of AMISOM was the only one there, the Special Representative emphasized that the contingent had to be reinforced and a means to do that had to be found.⁵⁵⁰

By a presidential statement dated 19 December 2007, the Council reiterated its strong support for AMISOM.⁵⁵¹

The situation in Chad, the Central African Republic and the subregion

The Council authorized the establishment of a European Union operation under Chapter VII of the Charter to support the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the operation was authorized to take all necessary measures to fulfil its functions.

By a presidential statement dated 27 August 2007 and by resolution 1778 (2007) of 25 September 2007, the Council welcomed the readiness of the European Union, expressed at the meeting of the Council of the European Union on 23 and 24 July 2007, to consider the establishment of an operation in support of the United Nations presence in eastern Chad and the north-eastern Central African Republic.⁵⁵² By resolution 1778 (2007), taking note of the letter dated 17 September 2007 from the Secretary-General/High Representative of the Council of the European Union,⁵⁵³ the Council, acting under Chapter VII of the Charter, authorized the European Union to deploy, for

⁵⁴² S/PRST/2007/13.

⁵⁴³ S/PRST/2007/19.

⁵⁴⁴ S/2007/444, annex.

⁵⁴⁵ Resolution 1772 (2007), fifth, sixth, fourteenth and fifteenth preambular paragraphs and para. 9.

⁵⁴⁶ S/PV.5805, p. 3.

⁵⁴⁷ *Ibid.*, p. 5 (China); p. 6 (United Kingdom); p. 7 (Indonesia); p. 9 (Slovakia, Belgium); p. 10 (Ghana); p. 13 (Russian Federation); pp. 13-14 (Peru); p. 14 (United States); p. 15 (Qatar); p. 17 (Italy); and p. 18 (Portugal, on behalf of the European Union).

⁵⁴⁸ *Ibid.*, p. 17.

⁵⁴⁹ *Ibid.*, p. 7.

⁵⁵⁰ *Ibid.*, p. 20.

⁵⁵¹ S/PRST/2007/49.

⁵⁵² S/PRST/2007/30 and resolution 1778 (2007), fifteenth preambular paragraph.

⁵⁵³ S/2007/560, annex.

a period of one year, an operation aimed at supporting the multidimensional presence, MINURCAT, established by the same resolution. The Council further decided that the European Union operation should be authorized to “take all necessary measures”, within its capabilities and its area of operation in eastern Chad and the north-eastern Central African Republic, to fulfil the following functions: (a) to contribute to protecting civilians in danger, particularly refugees and displaced persons; (b) to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations; and (c) to contribute to protecting United Nations facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel. The Council also requested the European Union, the Secretary-General and the Governments of Chad and the Central African Republic to cooperate closely throughout the period of deployment of the European Union operation, until its complete disengagement.⁵⁵⁴

Europe

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

With regard to the international security presence with substantial NATO participation in Kosovo (KFOR), which had been authorized by resolution 1244 (1999) under Chapter VII of the Charter with all necessary means to fulfil its responsibilities, the Council continued to express its support during the period under review.

By a presidential statement dated 18 March 2004, the Council expressed its full support for the efforts of KFOR and welcomed the fact that the international security presence was continuing to take additional measures, as deemed necessary, to stabilize the situation throughout Kosovo.⁵⁵⁵

By a presidential statement dated 30 April 2004, the Council again welcomed the strong measures by the international presence in Kosovo aimed at enhancing the security and protection of all communities, as well as

their religious, historical and cultural sites, with the goal of ensuring lasting stability in Kosovo.⁵⁵⁶

The situation in Bosnia and Herzegovina

The Council authorized in 2004 a multinational stabilization force for Bosnia and Herzegovina, the European Union Force (EUFOR), as a legal successor to the multinational Stabilization Force (SFOR) led by NATO. EUFOR was authorized to take all necessary measures in fulfilment of its mandate.

By resolution 1551 (2004) of 9 July 2004, the Council, paying tribute to those Member States which had participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcoming their willingness to assist the parties to the Dayton Peace Agreement⁵⁵⁷ by continuing to deploy a multinational stabilization force, authorized Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of six months SFOR as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement. It further authorized those Member States to “take all necessary measures” to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement as well as with the rules and procedures established by the Commander of the Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.⁵⁵⁸ The Council welcomed the decision of NATO to conclude its current Stabilization Force operation in Bosnia and Herzegovina by the end of 2004, and the intention of the European Union to launch a European Union mission to Bosnia and Herzegovina, including a military component, from December 2004.⁵⁵⁹

By resolution 1575 (2004) of 22 November 2004, the Council authorized the Member States acting through or in cooperation with the European Union to establish for an initial planned period of 12 months a multinational stabilization force, the European Union Force (EUFOR), as a legal successor to SFOR under

⁵⁵⁴ Resolution 1778 (2007), paras. 6 (a) and 9.

⁵⁵⁵ S/PRST/2004/5.

⁵⁵⁶ S/PRST/2004/13.

⁵⁵⁷ S/1995/1021, annex.

⁵⁵⁸ Resolution 1551 (2004), paras. 8, 11, 13 and 15.

⁵⁵⁹ *Ibid.*, para. 10.

unified command and control, which would fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the NATO headquarters presence in accordance with the arrangements agreed between NATO and the European Union as communicated to the Council in their letters of 19 November 2004,⁵⁶⁰ which recognized that EUFOR would have the main peace stabilization role under the military aspects of the Peace Agreement.⁵⁶¹ The Council authorized the Member States acting under those provisions to “take all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, as well as with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.⁵⁶² By subsequent resolutions, the Council, welcoming the increased engagement of the European Union in Bosnia and Herzegovina and the continued engagement of NATO and acting under Chapter VII of the Charter, continued to authorize the extension of the mandate of EUFOR, including its authorization of taking all necessary measures for an additional 12 months.⁵⁶³

Asia

The situation in Afghanistan

The Council continued to authorize the International Security Assistance Force (ISAF) led by NATO in the stabilization process of Afghanistan.

By several resolutions, the Council, acting under Chapter VII of the Charter, extended the authorization of ISAF, as defined in resolutions 1386 (2001) and 1510 (2003), for successive periods of 12 months. In doing so, the Council authorized the Member States participating in the Force to “take all necessary measures” to fulfil its mandate.⁵⁶⁴ The Council also called upon the Force to continue to work in close consultation with the Afghan

Transitional Administration and its successors and the Special Representative of the Secretary-General, as well as with the Operation Enduring Freedom coalition in the implementation of the mandate of ISAF.⁵⁶⁵

By resolution 1536 (2004) of 26 March 2004, the Council welcomed the progress made by ISAF in expanding its presence outside of Kabul and in implementing its mandate in accordance with resolutions 1444 (2002) and 1510 (2003) and requested that the Force continue working in close consultation with the Secretary-General and his Special Representative. The Council welcomed the readiness of ISAF to provide security assistance for the organization of the forthcoming elections in support of the Afghan authorities and the United Nations Assistance Mission in Afghanistan, in accordance with resolution 1510 (2003).⁵⁶⁶ By subsequent decisions, the Council acknowledged and welcomed the readiness of ISAF to assist in establishing a secure environment for the conduct of elections.⁵⁶⁷ By resolution 1623 (2005) of 13 September 2005, the Council welcomed the role played by ISAF in assisting in securing the conduct of national elections.⁵⁶⁸

By resolution 1659 (2006) of 15 February 2006, the Council acknowledged the continuing commitment of NATO to lead ISAF and welcomed the adoption by NATO of a revised operational plan allowing the continued expansion of the Force across Afghanistan, closer operational synergy with Operation Enduring Freedom and support, within means and capabilities, to Afghan security forces in the military aspects of their training and operational deployments.⁵⁶⁹ By resolution 1707 (2006) of 12 September 2006, the Council welcomed the extension of ISAF into southern Afghanistan with effect from 31 July 2006, the planned further expansion of the Force into eastern Afghanistan and the increased coordination between ISAF and the Operation Enduring Freedom coalition.⁵⁷⁰ By a presidential statement of 17 July 2007, the Council welcomed the efforts of ISAF and other partners to

⁵⁶⁰ S/2004/915 and S/2004/916, respectively.

⁵⁶¹ Resolution 1575 (2004), para. 10.

⁵⁶² *Ibid.*, paras. 14 and 16.

⁵⁶³ Resolutions 1639 (2005), nineteenth preambular paragraph and paras. 10, 14 and 16; 1722 (2006), nineteenth preambular paragraph and paras. 10, 14 and 16; and 1785 (2007), nineteenth preambular paragraph and paras. 10, 14 and 16.

⁵⁶⁴ Resolutions 1563 (2004), paras. 1 and 2; 1623 (2005), paras. 1 and 2; 1707 (2006), paras. 1 and 2; and 1776 (2007), paras. 1 and 2.

⁵⁶⁵ Resolutions 1563 (2004), paras. 1, 2 and 4; 1623 (2005), paras. 1, 2 and 4; and 1707 (2006), paras. 1, 2 and 4.

⁵⁶⁶ Resolution 1536 (2004), paras. 12-13.

⁵⁶⁷ Resolution 1563 (2004), eighth preambular paragraph; S/PRST/2004/9; and S/PRST/2004/25.

⁵⁶⁸ Resolution 1623 (2005), ninth preambular paragraph.

⁵⁶⁹ Resolution 1659 (2006), para. 6.

⁵⁷⁰ Resolution 1707 (2006), tenth preambular paragraph.

train and mentor the Afghan national security forces.⁵⁷¹ By resolution 1776 (2007) of 19 September 2007, the Council welcomed the completion of the expansion of ISAF throughout Afghanistan, the continued coordination between the Force and the coalition, and the cooperation established between ISAF and the European Union presence in Afghanistan, in particular the European Union Police Mission in Afghanistan.⁵⁷²

D. Consultation with, briefing and reporting by regional arrangements

In a note by the President of the Security Council dated 19 July 2006 on the work of the Informal Working Group on Documentation and Other Procedural Questions,⁵⁷³ the Council agreed to expand consultation and cooperation with regional and subregional organizations by inviting relevant regional and subregional organizations to participate in the public and private meetings of the Council, when appropriate; continuing to consult informally with regional and subregional organizations when drafting, inter alia, resolutions, presidential statements and press statements, as appropriate; and drawing the attention of representatives of regional and subregional organizations, where appropriate, to relevant resolutions, presidential statements and press statements. During the period under review, the Council continued to consult with, hear briefings from and receive reporting from regional arrangements in dealing with a range of matters before it, both regional situations and thematic issues. Examples of the practice in accordance with Article 54 of the Charter included a series of communications from the League of Arab States transmitting to the Council its decisions and outcomes of its meetings concerning a variety of issues before the Council⁵⁷⁴ and those from

⁵⁷¹ S/PRST/2007/27.

⁵⁷² Resolution 1776 (2007), eighteenth preambular paragraph.

⁵⁷³ S/2006/507.

⁵⁷⁴ See letters dated 26 January 2004, 9 June 2004, 18 August 2004, 4 October 2004, 7 March 2005, 18 April 2005, 10 May 2005, 12 September 2005, 13 March 2006, 17 April 2006, 27 April 2006, 18 May 2006, 28 June 2006, 26 July 2006, 1 August 2006, 30 August 2006, 14 September 2006, 13 November 2006, 7 December 2006, 7 March 2007, 16 April 2007, 23 April 2007 and 11 September 2007 from the representative of the League of Arab States to the President of the Council (S/2004/84, S/2004/486, S/2004/674, S/2004/795, S/2005/144, S/2005/274, S/2005/309, S/2005/597,

the representatives of New Zealand and Australia in May 2006 in connection with the situation in Timor-Leste.⁵⁷⁵

In dealing with several regional situations, the Council, in its resolutions, explicitly requested the involved organizations to report to it on a regular basis, directly or through the Secretary-General, concerning their activities in the pacific settlement of disputes, peacekeeping and enforcement actions. Such provisions can be found below, organized by region and in chronological order.

Africa

The situation in Côte d'Ivoire

By resolution 1603 (2005) of 3 June 2005, the Council invited the African Union to keep the Council regularly informed of the implementation of the provisions of the Pretoria Agreement⁵⁷⁶ and to make recommendations to the Council as it deemed necessary.⁵⁷⁷

By resolution 1721 (2006) of 1 November 2006, in requesting the African Union and ECOWAS to continue to monitor and follow up closely the implementation of the peace process and inviting them to review the progress achieved, the Council requested those organizations to report to it, through the Secretary-General, on their assessment and, if necessary, to submit to the Council any new recommendations.⁵⁷⁸

The situation concerning the Democratic Republic of the Congo

By resolution 1671 (2006) of 25 April 2006, the Council requested the European Union to report regularly to the Council on the implementation of the

S/2006/168, S/2006/247, S/2006/285, S/2006/305, S/2006/442, S/2006/582, S/2006/614, S/2006/700, S/2006/745, S/2006/886, S/2006/963, S/2007/128, S/2007/215, S/2007/232 and S/2007/544).

⁵⁷⁵ See the letters dated 24 May 2006 from the representative of New Zealand to the President of the Council and from the representative of Australia to the President of the Council (S/2006/320 and S/2006/321, respectively).

⁵⁷⁶ S/2005/270, annex I.

⁵⁷⁷ Resolution 1603 (2005), para. 19.

⁵⁷⁸ Resolution 1721 (2006), para. 21.

mandate of the European Union force in the Democratic Republic of the Congo, established by that resolution.⁵⁷⁹

The situation in Somalia

By resolution 1725 (2006) of 6 December 2006, in authorizing IGAD and States members of the African Union to establish a protection and training mission in Somalia, the Council expressed its wish to review the mandate of that mission after an initial period of six months “with a briefing by the Intergovernmental Authority”. The Council also requested the Secretary-General, “in consultation with the African Union Commission and the Secretariat of IGAD” to report to the Council on the implementation of the mandate of the mission within 30 days and every 60 days thereafter.⁵⁸⁰

The situation in Chad, the Central African Republic and the subregion

By resolution 1778 (2007) of 25 September 2007, the Council requested the European Union to report to the Council, in the middle and at the end of the period of one year from the date that its initial operating capability was declared by the European Union in consultation with the Secretary-General, on how its operation would fulfil its mandate.⁵⁸¹

⁵⁷⁹ Resolution 1671 (2006), para. 15.

⁵⁸⁰ Resolution 1725 (2006), paras. 3 and 7.

⁵⁸¹ Resolution 1778 (2007), para. 12.

Europe

The situation in Bosnia and Herzegovina

By resolution 1551 (2004) of 9 July 2004, the Council requested the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals.⁵⁸²

Following the transition from the NATO-led Stabilization Force to the European Union Force, the Council, by several resolutions, requested the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with NATO to report to the Council on the activity of the European Union Force and the NATO headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals.⁵⁸³

Asia

The situation in Afghanistan

By a number of resolutions, the Council requested the leadership of the International Security Assistance Force to provide quarterly reports on the implementation of its mandate to the Council through the Secretary-General.⁵⁸⁴

⁵⁸² Resolution 1551 (2004), para. 19.

⁵⁸³ Resolutions 1575 (2004), para. 18; 1639 (2005), para. 18; 1722 (2006), para. 18; and 1785 (2007), para. 18.

⁵⁸⁴ Resolutions 1563 (2004), para. 5; 1623 (2005), para. 5; 1707 (2006), para. 5; and 1776 (2007), para. 6.

Part IV Consideration of the miscellaneous provisions of the Charter

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

During the period under review, Article 103 was not invoked explicitly in any resolution or decision of the Security Council. The principle enshrined in

Article 103 was however, implicitly invoked in a draft resolution concerning the situation in Cyprus which was not adopted, owing to a negative vote by a permanent member.⁵⁸⁵ By that draft resolution, the Council would have called upon all States and all international and regional organizations to act strictly in conformity with the resolution, notwithstanding the existence of any rights granted or obligations conferred

⁵⁸⁵ See S/PV.4947, p. 2.

or imposed by any international agreement or of any contract entered into or any licence or permit granted prior to the entry into force of the measures imposed by the resolution.⁵⁸⁶

During the deliberations of the Council, one explicit reference to Article 103 was made at the 5779th meeting, on 14 November 2007, in connection with item entitled “Briefings by Chairmen of subsidiary bodies of the Security Council”. The representative of Qatar, offering a legal interpretation of the sanctions regime and Council decisions, noted that:

Article 103 of the Charter provides that obligations under the Charter prevail over other obligations, but this does not mean that they prevail over or supersede pre-emptory norms of *jus cogens*. In other words, the framers of the Charter did not give the Council a blank cheque to impose sanctions or take actions that violate the purposes and principles of the Charter or violate the sovereignty of States and that do not take into account internationally recognized legal controls and standards — especially since the political nature of the Council’s resolutions does not exclude the possibility that the Council might take an action that is contrary to the purposes and principles of the Charter.⁵⁸⁷

Explicit references to Article 103 were also made in two communications.⁵⁸⁸ For example, in the final report of the independent Commission of Experts which was mandated to review the prosecution of serious violations of human rights in Timor-Leste in 1999, Article 103 was invoked in connection with the consideration of the possible retrospective jurisdiction of the International Criminal Court in the context of a referral from the Security Council. The Commission reported that one argument raised in favour of retrospective jurisdiction interpreted Chapter VII and Article 103 of the Charter as establishing a legal basis upon which the Security Council could legitimately extend the scope of the temporal jurisdiction of the Court. According to that interpretation, empowerment measures adopted in a referral resolution by the Council under Chapter VII would prevail over conflicting provisions in the Rome Statute, in accordance with Article 103 of the Charter. The Commission pointed out, however, that the question would arise whether Article 103 applied to judges in an intergovernmental jurisdiction in the same way as it applied to Member States, and concluded that the issue could be authoritatively settled only by the Court itself.⁵⁸⁹

⁵⁸⁶ S/2004/313, para. 11.

⁵⁸⁷ S/PV.5779, p. 23.

⁵⁸⁸ See identical letters dated 19 May 2006 from the representatives of Germany, Sweden and Switzerland to the President of the General Assembly and the President of the Security Council, transmitting a white paper, entitled “Strengthening targeted sanctions through fair and clear procedures” (S/2006/331, pp. 11 and 23) and a letter dated 24 June 2005 from the Secretary-General to the President of the Council, transmitting the report of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste in 1999 (S/2005/458).

⁵⁸⁹ S/2005/458, annex II, paras. 455-457.

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